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THE PRESENT STATE OF THE BRITISH EMPIRE.

CONTAINING A

DESCRIPTION

OF THE

KINGDOMS, PRINCIPALITIES, ISLANDS, COLONIES, CONQUESTS,

AND OF THE

MILITARY AND COMMERCIAL ESTABLISHMENTS,

UNDER THE

BRITISH CROWN,

IN

EUROPE, ASIA, AFRICA and *AMERICA*.

BY THE LATE REV JOHN ENTICK, M. A.
AND OTHER GENTLEMEN.

ILLUSTRATED WITH

MAPS of the ſeveral KINGDOMS, PROVINCES, ISLANDS, SETTLEMENTS, &c. thereunto belonging.

Engraved from the beſt Authorities, by T. KITCHEN, &c.

VOL. I.

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THE

PREFACE.

THE principal aim and chief design of the following Work, is public Utility: The Authors have attempted to lay before their Readers a comprehensive Plan, a political Chart of the BRITISH EMPIRE, together with its Territories and Connections in every quarter of the World; the People, of whatever Rank and Condition, are herein presented with a succinct Account of the Constitution of the Kingdoms and other Dominions, annexed by Conquest or otherwise, to the Crown of *Great Britain:* The legislative and executive Powers of the *English* Government are accurately distinguished; the Prerogatives of the Crown are ascertained; the Rights, Immunities, and Liberties of the Subject are elucidated and supported by unquestionable Authorities and the Law of the Land. The several places treated of throughout the course of the Work, are all so particularly described as to enable every part to profit by the Produce or Manufactures of each other, and together to contribute towards furnishing the greatest part of the world with Conveniences, Necessaries, and Luxuries of Life.

Here the Statesman may find a Compass by which to steer the Helm of Government; the People may discern the nature and excellence of that Liberty to which, by the Laws of the Land, the immemorial Usage of their Ancestors, and from the national Councils of the Antient *Britons*, down to the present Æra, they are indisputably intitled. In the several *Stages* or *Revolutions*, from the Invasion by the *Romans*, the *Saxons*, the *Danes*,

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and by *William the Norman*, notwithſtanding the many attempts of deſpotic Princes, it will yet appear that the People have always retained the ſupreme power of making Laws for their own ſecurity. Amongſt other important documents, THE GREAT CHARTER of K. *Henry* III. that MAGNA CHARTA, upon which the peace and tranquility of this Nation is to be maintained; the *Habeas Corpus Act*; the *Bill of Rights*, and the *Act of Settlement*, are added; by which the Laws of *England* are declared to be the Birth-right of the People; and that all the Princes who ſhall aſcend the Throne of this Realm, ought to adminiſter the Government of the ſame ACCORDING TO THE LAWS.

In this Work is alſo deſcribed the nature of our Government, and the ſhare allotted to each Branch of the Legiſlature, or in what hands the Power of framing and executing the Laws of the Land is veſted.

The State of Religion is moſt minutely diſcuſſed, without the ſmalleſt biaſs in favour of this or that particular Sect. The ſeveral modes of worſhip, authorized by the Act of Toleration, are recited and deſcribed from an accurate Enquiry into their forms of Eccleſiaſtic Regulations: The Laws and Penal Statutes againſt Papiſts are all carefully collected and arranged under proper Heads.

The Nobility and Gentry of theſe Kingdoms will, in the following Work, be enabled to trace the ſource from whence their Honours, Titles, and reſpective Privileges flow, as well as the origin of their ſeveral Orders and Degrees; together with a Liſt of the preſent Peerage carried down to ſo late a date as 1771.

This of itſelf will anſwer all the purpoſes of the various Modern, voluminous and expenſive Publications upon that head.

Under

Under the Title of *Gentry* are comprized all Perſons ſuperior to the Rank of Yeomen, yet inferior to the degree of a Baron; In which account the Reader is made acquainted with every thing he can wiſh to know concerning the Inſtitution of Knights of the Garter and Bath, Baronets, Knights, Knights-Batchelors, Eſquires, and Gentlemen.

The *Yeomanry*, under which deſcription is included Freeholders, Merchants, Artificers, Tradeſmen and Manufacturers, are here particularly repreſented, and their utility and advantage to the State properly exemplified.

The *Naval* department of the Nation, and all concerned therein, are ſet forth in their ſeveral Stations, from the Lord High-Admiral down to the moſt inferior officer. To this is ſubjoined the ſtate of the *Britiſh* Army and Militia.

The Gentlemen of the Long Robe, who deſire a more accurate acquaintance with the Laws, and all who wiſh to be initiated in a Knowledge of thoſe ties which ſerve as Sinews to connect together the Head and Members of the Body Politic, the Sovereign and the Subject will, in the following Work, meet with ample Information: The origin and various diviſions of the Law into Statute, Civil and Common, are clearly explained, exemplified, and aſcertained; the Officers inveſted with the executive Power in the different Courts of Chancery, King's-Bench, Common-Pleas, Exchequer, or places of inferior Juriſdiction are all deſcribed, with the ſeveral Privileges annexed to their reſpective Poſts; to this is added, a Diſſertation upon the utility and explanation of the Power, and a Deſcription of the duty of Juries. The various forms of trying various Criminals are alſo related under the foregoing head.

Infinite Pains hath been taken to gratify the inquiſitive Reader's reſearches into the Nature and Antiquity, the Juriſdiction, mode of Proceeding, and Power of Parliament: The antient and modern method of holding Parliaments are each deſcribed. The qualifications of, and exceptions to, Perſons about to be elected Members of the Lower Houſe, are alſo narrated with preciſion. Under this Article is comprehended a more authentic, elaborate, and critical account of what are termed the Privileges of Parliament, than is to be met with in any Work, antient or modern, upon the Subject. A brief Hiſtory of the origin of the Houſe of Lords, and ſuccinct detail of the peculiar Privileges annexed to that Houſe, are alſo contained in the following Work; the nature, extent, and eccleſiaſtical Juriſdiction of the Upper and Lower Houſes of Convocation, are ſet forth in a more eſpecial manner.

The King is deſcribed in his legiſlative and executive capacity; and the Laws enacted for the preſervation of his perſon and ſecurity of the Proteſtant ſucceſſion are recited, with an account of the preſent Royal Family, and of the office and duty of his Privy-Council, and of all the ſervants of the Crown in their ſeveral departments.

The *Revenue*, or means to ſupport the State and Government are likewiſe ſet forth in deſcribing the mode of raiſing Money, the annual income of the Crown, the ſeveral Offices and Officers concerned in the collecting, receiving, and paying the ſums of Money and Impoſitions levied by Parliament; ſuch as the Treaſury, Exchequer, Cuſtom-houſe, Exciſe-office, Stamp-office, Wine-office, Poſt-office, &c. wherein is given an account of the Poſtage of Letters, in *England*, *Scotland*, *Ireland*, and the *Iſle of Man*, and what the Law directs about Ship-letters, and Letters conveyed by Pacquets to any part of the

Britiſh

Britiſh Dominions in *America*, and the Iſlands in the *Weſt-Indies*, as well as to and from all foreign Countries or States.

They, who are curious to enquire into the natural Hiſtory of their own Country, and from thence to collect juſt ideas of its *Salubrity*, *Fertility*, *Population*, *Curioſities*, and the *Source* of its *Riches* and *Strength*, are in this Work furniſhed with a Deſcription of the whole, and of every part of *England* and *Wales*, divided into Counties, with their contents, ſub-diviſions into Ridings, Lathes, Wapentakes, Hundreds, Tythings, Pariſhes, Cities, Towns and Villages: in which the air, ſoil and produce of each County, the utility of their Manufactures, and communication with the Metropolis, and with each other, by land and water-carriage; and from thence and other ſea ports, with all parts of the world; the internal Trade of every place, with their Markets and Fairs, and the municipal rights and privileges of Boroughs and Corporations; Antiquities, public Buildings, Curioſities, and the moſt remarkable Cuſtoms and Tenures, by which the Heir inherits, and the Lordſhips of Manors are held, all theſe have been with great attention and fidelity collected and arranged in ſuch order as to render the whole Narrative entertaining and uſeful to thoſe, who are deſirous of obtaining a thorough knowledge of *England* and *Wales*.

The like method has been taken to inform the Reader of the Civil, Religious, and Military Eſtabliſhment of the Kingdoms of *Scotland* and *Ireland*, of the *Preſent State* of their Situation, Diviſion, Produce, Manufactures and Commerce, and a *topographical Deſcription* of both thoſe Countries, and of the *Iſlands* on the coaſts of *Great Britain* and *Ireland*.

The Diſcovery and nature of the *Britiſh* Settlements in *North-America* and in the *Weſt-Indies*, and

and their utility to, and connexion with, the Mother-Country are related and explained. In which will be found their Conſtitution and Laws, and diſtinct Governments founded upon Charters, and confirmed by Acts of Parliament; with ſome curious accounts of the native *Indians*; a deſcription of their Perſons, Habits, Religious Cuſtoms, notions of Liberty, modes of Government, Employments and art of War; the Trade to which *England* claims an excluſive right on the Continent, and Iſlands in *North* and *South America*, whether by right of diſcovery, preoccupancy, conqueſt, or ceſſion by treaty to the *Britiſh* Crown is moſt clearly deſcribed.

In order to make this Work as completely uſeful as poſſible, for the mercantile part of the nation; as well as to convey to the curious Reader a competent and pleaſing information of the extent of our national influence, commerce, and navigation, and of the countries and diſtant regions, from whence our Merchants import their riches and produce in exchange for the manufactures and ſuperfluities of *England*: the Author has preſented the Public with a Deſcription of the Settlements and Factories eſtabliſhed by *England* on the coaſt of *Africa*, in *Turkey*, and *Perſia*, from which a ſeries of uſeful Knowledge may be collected to enable thoſe, who trade with, or have any dependance upon, the Commerce of thoſe nations, to attain a competent knowledge of the quantity and quality of the Imports and Exports, and to judge of the Seaſons when, and the Markets to which, they are to ſend their goods to the beſt advantage.

But what hath made a conſiderable object in the following Work, is an account of our Trade to the *Eaſt India* Company's ſettlements in *Aſia*. Here a particular attention has been paid to every circumſtance of importance that could contribute to the

the information of the Public upon this head; the quantity of Exports, the Receipts, Diſburſements, and Conſumption of various Articles; the nett Profits ariſing from the Aſiatic Branch of Traffic, in ſhort, every minute particular relative to the Mercantile intercourſe carried on between *Great Britain* and her different Settlements in *China* and the *Eaſt Indies*, is laid down with an accuracy ſeldom aimed at, and as ſeldom executed in Works of this kind; nor are the relations confined to matters of Merchandize merely; the late changes in the Conſtitution of the *Eaſt India* Company, the ſource of thoſe Changes; the ſubſtance of the Enquiries ſet on foot by the late ſelect and ſecret Committees; an Abſtract of the late *Eaſt India* Regulating Act, together with the Inſtructions framed by a Committee of Directors for the guidance of the Governor-General and Council in their Civil Adminiſtration of juſtice in *India*; theſe have been related with fidelity, and diſcuſſed with the utmoſt perſpicuity. Nothing has been advanced upon bare Conjectures; the documents of Parliament have been quoted to authenticate Facts and corroborate Arguments.

On the whole, an attempt has been made to compile the following Work in ſuch a manner as to render it intelligible to the multitude, yet ſerviceable to Men of the greateſt Refinement. Nothing has been advanced but upon the Authority of the moſt approved Writers; antient Records have been ſearched, modern information hath been ſcrutinized, and to the teſt of Public Criticiſm it is ſubmitted, whether the laborious Pains the Authors have taken will atone for thoſe inaccurate defects, which, through the frail condition of Humanity, will inevitably attend all human efforts.

THE

THE ANALYSIS OF THE WORK.

THE BRITISH EMPIRE,

In *Europe*.

The Kingdom of ENGLAND.

- Principality of Wales
- Iſlands of Guernſey
- Jerſey
- Alderney
- Sarke
- Wight
- Scilly
- Angleſey
- Man
- Ely
- Thanet
- Sheepy.

The Kingdom of SCOTLAND.

- The Hebrides or Weſtern Iſlands
- Orkneys
- Shetland.

The Kingdom of IRELAND.

- Britiſh Conqueſts
- Minorca
- Gibraltar.

In *Aſia*.

Settlements and Acquiſitions.

- On the Coaſt of Coromandel
- Malabar
- Bengal
- Oriſſa, &c.
- Perſia and China.
- The Iſlands of Borneo
- Sumatra
- Bombay.

In *Africa*.

Conqueſts and Settlements.

- Senegal
- Coaſt of Guinea
- St. Helena

In *America*.

Provinces in N. AMERICA.

- Florida E. & W.
- Georgia
- Carolinas N. & S.
- Virginia
- Maryland
- Pennſilvania
- Jerſeys
- New York
- New England
- Nova Scotia
- Canada
- New Britain
- Hudſon's Bay.

Iſlands.

- Long Iſland
- Newfoundland
- Providence
- Bermudas
- St. John's
- Jamaica.

Iſlands called CARIBBEES.

- Barbadoes
- St. Kitts
- Antigua
- Nevis
- Montſerrat
- Grenada
- Tobago, &c.

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THE PRESENT STATE OF THE *BRITISH* EMPIRE.

The INTRODUCTION.

THE *Britiſh* Empire is arrived at that height of Power and Glory, to which none of the States and Monarchies upon Earth could even lay the like Claim. *Rome*, in all her Grandeur, did not equal *Great Britain*; either in Conſtitution, Dominion, Commerce, Riches, or Strength. The *Romans* could not boaſt of the Liberty, Rights and Privileges, and of that Security of Property and Perſon, which an *Engliſh* Subject enjoys under the Protection of the Laws. And that Dominion over the Nations, then in being, founded in Blood, Plunder and Rapine, and upon an Ambition, that could not bear an equal in Power, is much inferior to the Acquiſitions, Conqueſts, and divers Kinds of Settlements, and Appendages, of which the *Britiſh* Empire is compoſed, in every Quarter of the Globe: and which *ſound Policy*, and not *Ambition*, has brought under the Crown of *Great Britain*.

Grandeur of the Britiſh Empire.

Whence it ariſeth.

If Riches be the Strength of a Nation: If Trade and Commerce be the Source of Riches: If Manufactures and Navigation be neceſſary to improve Trade and Commerce: If Knowledge and Induſtry be required to explore the vaſt Regions beyond the Ocean; to import and manufacture the Produce of all countries, and to encourage Labour with the Gains made thereof, by ſupplying the Wants, and Luxury of the whole Univerſe: If any People could ever boaſt of, and rejoice in, a full Enjoyment of Liberty, and in a free Exerciſe of their Religion: If Learning contributes to make Men wiſe, and good Faith to make them reſpected: If Riches are to be eſtimated from the Royal Revenue, national Taxes, magnificent Buildings, ſuperb Equipages and public Works and Charities: If Strength is to be conſidered in Proportion to Fleets and Armies and their Succeſſes: If Trade and Commerce be calculated from Imports and Exports: If Navigation is to be exalted by the Number of Ships; the Abilities of the Mariners, and by their valuable Traffic and Diſcoveries: If Manufactures are to be preferred for their Strength, Beauty and Utility: If Knowledge is to be propagated by the Study of Arts and Sciences; and Induſtry to be appraiſed according to the Produce of Labour: If Purity of Religion, and Security of Property, depend upon wholeſome Laws and good Government: If Wiſdom is to be diſcovered by the Rectitude of the Legiſlative Power; and good Faith, by the Influence one Nation has in the Councils and Confidence of another; and if extenſive Dominions, well peopled, and contributing to the Welfare of their Mother-country, are preferable to vaſt Territories, (ſuch as *Peru*, *Mexico*, and *Braſils*) which depopulate their native Land, (as is ſeen in *Spain* and *Portugal*) to enrich other Nations with the Treaſure and Produce of their Climate and Labour; there will, in the Courſe of this Work, be frequent Opportunities to ſhew that the BRITISH EMPIRE, in its preſent State, excels both the ancient and modern States in Riches and Magnificence; in Dignity and Power; in Strength by Sea and Land; in Diſcoveries and Conqueſts; in Trade, Commerce and Navigation; in Manufactures and Mechanic Arts; in ſound Learning and ingenious Education; in Agriculture and every

ry Branch of Buſineſs, that requires Labour; in the Purity of the Goſpel and eccleſiaſtical Eſtabliſhment; in the ſeveral Forms of Government, and in the Juſtice and Equity, by which the Laws are enacted and executed; in the Influence, which the *Britiſh* Councils and Trade have upon the Cabinets and Markets of Foreign Nations; and in the Advantages each Part of this vaſt Empire reaps from the others; they having no need of Supplies from ſtrange Nations; but are able of themſelves to furniſh every Climate with the Neceſſaries and Conveniences of Life. And as the numerous Manufactures and extenſive Trade afford the greateſt Encouragements to Induſtry, and the acquiring a Property opens a free Paſſage to the higheſt Truſts and Honours, that a free People can beſtow; ſo there can be no Native of this Empire excluded, who has merit enough to deſerve them;—a Privilege peculiar to the *Britiſh* Nation, and a particular Advantage of its Conſtitution, not enjoyed in the ſame Latitude, under any Government now exiſting; or under any of the Forms of Government recorded in the Hiſtories of former Ages. A Circumſtance that ought to ſtimulate every *Briton* to endeavour for Advancement, and to improve his Time and Property; to fill his Mind with a moſt ſenſible Affection for his Country, and to warm his Heart with the moſt lively Zeal for its Conſtitution.

The Extent of the BRITISH EMPIRE.

Extent of the Britiſh Empire.

IF we conſider this Empire in its full Extent, we are to ſurvey the Kingdoms of *England*, *Scotland*, and *Ireland*; the Principality of *Wales*, the Iſlands of *Guernſey*, *Jerſey*, *Alderney*, and *Sarke*; the Iſles of *Wight*, *Scilly*, *Man* and *Angleſea*; the *Hebrides* or Weſtern Iſlands in the *Calidonean* Sea, as alſo the *Orkneys* and *Shetland*. And if we traverſe the Ocean we ſhall find this Dominion to extend to *Minorca* in the *Mediterranean*, and *Gibraltar* on the Continent of *Spain*: to the Coaſt of *Africa*; to the Iſlands in the *Indian* Ocean; to various Poſſeſſions on the Coaſts of *Coromandel* and *Malabar* in *Aſia*; and to both *South* and *North America*; containing the vaſt Regions on the North-ſide of the great River *Miſſiſſippi*, from its Mouth in the Bay of *Mexico*, as far as to the Diſcoveries made by our Navigators towards the *North Pole*. In which Diviſion of the *Britiſh* Empire we find *New Britain* or the Country of the *Eſkimaux*, that comprehends *Hudſon*'s Bay, *Canada*, *Nova-Scotia*, *Cape-Breton*, *New-England*, *New-York*, the *Jerſeys*, *Penſylvania*, *Maryland*, *Virginia*; the *Carolinas*, *Georgia*, and *Florida*; And the Iſlands of *Newfoundland*, *St. John*, the *Lucaya's* or *Bahama Iſlands*, *Bermudas* or *Summer-Iſlands*, *Jamaica*, *Barbadoes*, *St. Chriſtopher*'s, *Antigua*, *Nevis*, *Dominica*, *Barbuda*, *Anguilla*, *Montſerrat*, *Tobago*, *St. Vincent*, *Granada*, *Tortuga*, the *Granadines*, *&c.* in the *American* Seas, and our Rights and Poſſeſſions on the *Muſqueto* Shore, and Bay of *Honduras*.

All which Settlements, Iſlands, Countries, Provinces, Regions and Kingdoms, being ſubject to the *Britiſh* Crown, partake of the *Britiſh* Conſtitution, tho' all or moſt of them differ ſomewhat in their Form or Manner of Government; as will more fully appear in the preſent State of each, beginning with the Kingdom of *England*, the Mother-country; on whoſe Conſtitution, Riches, and Strength, this mighty Empire is erected.

Of

Of the KINGDOM *of* ENGLAND.

Its Situation, Name, Boundaries, Character, Conſtitution, Laws and Government.

THE Kingdom of *England* is that ſouthern Part of the Iſland of *Britain*, which lies between 2° 0′ E. and 6° 20′ W. Long. 360 Miles in Length, and between 50° 0′ and 56° 0′ N. Lat. or 300 Miles in Breadth, including the Principality of *Wales*. Situation and Extent.

This Iſland was called *Britain* by the earlieſt Antiquity; and, according to the moſt approved Etymology of the Word, this Name was given to it by the *Romans* and *Phœnicians*, that traded hither for Tin, from the Word *Brit*, which in the Language of the ancient Inhabitants ſignified *painted:* it being the Cuſtom of thoſe Natives to *paint* their naked Bodies, and wear no cloathes when they uſed any Exerciſe of Labour, Diverſions, or went out to battle. Name.

The Kingdom of *England*, which poſſeſſes the greateſt and moſt valuable Part of this Iſland, is of a triangular form, bounded on the South by the *Engliſh* Channel, that divides *England* from *France*; by St. *George*'s Channel and the *Iriſh* Sea on the Weſt: By the Kingdom of *Scotland* on the North, and by the *German* Ocean on the Eaſt. Boundaries.

They were the *Aborigines* of this ſouthern Part of the Iſland who obtained, and were known properly by the Name of *Britons*; for it does not appear from any good Authority, that the Inhabitants of that Part called *Scotland* were ever comprehended in the general Name of *Britons*; it was peculiar to the Natives of *South Britain*, and always confined to them, till that fatal Error in Politicks, of placing the Fate of a Nation in the Hands of a foreign Army, to defend the *Britons*, ſay our Hiſtorians, againſt the *Scots*, brought about the Extirpation both of the Government, Nation, and Name of *Britons*. The *Angles* or *Anglo-Saxons*, having driven out the *Britons*, whom they were hired and called in to defend againſt the *Scots*, impoſed the Name of *Angles-Land* or *England* upon their Conqueſt; and from thence-forth the Inhabitants of the South Part of *Britain* obtained, and were known properly by, the Name of *Engliſh* Briton who

liſh or *Engliſhmen*; notwithſtanding the many Revolutions that followed, and the various Fates of *England* from, and under the Government of the *Danes* and *Normans*. A Name, which is ſo engrafted in the Conſtitution of our Kingdom, and ſignalized by the glorious Atchievements of our Fore-fathers, that all the Attempts made to reſume the Name of *Britons*, in common with the *Scots*, now united with the Crown of *England*, under the Stile and Title of *Great Britain*, have proved ineffectual to prevail with a Native of *England* to give up the Name of an *Engliſhman*, for the ambiguous Name of a *Briton*, as it is now uſed and applied.

This is the Kingdom of which the ancient Panegyriſt, ſo long ago as the Reign of the Emperor *Conſtantine the Great*, apoſtrophizes, *O happy* Briton! *more bleſſed than all other Regions; Nature hath enriched thee with all Commodities of Heaven and Earth. In thee there is neither extreme Cold in Winter, nor ſcorching Heat in Summer. In thee is ſuch an Abundance of Corn, as may ſerve both for Bread and Wine: Thou aboundeſt with Woods without the Danger of wild Beaſts, and with Meadows clear of noiſome Serpents, and ſtocked with an infinite Number of milch Cows, and Sheep weighed down with their own rich fleeces!*

Its ancient Character.

If this was a juſt Character of our happy Part of *Britain* fourteen hundred Years ago, when Induſtry was crampt by the *Roman* Yoke and a military Power; when Trade and Navigation were ſcarce in embrio; when our Manufactures were not ſo much as thought of; when it was not foreſeen that the Woods would one Day become the Bulwark of the Nation upon the Ocean; what greater Reaſon have we to glory in our preſent Happineſs, which is manifeſt in a ſuper-abundant Enjoyment of all thoſe Bleſſings, which Nature has given to other Nations, and in the Power, *England* has to ſupply the Wants and Neceſſities of them all? How would he ſtand amazed to behold thoſe lofty Trees and vaſt Woods, made to float upon the Ocean in purſuit of a new World; to force a Traffic and Commerce with the whole Univerſe; to collect the Riches and Curioſities of every Region, and to over-awe and puniſh the Enemies of *England*'s Happineſs? How would he

Modern Character.

he be surprised at the Gains made of the Fleeces, by the Art and Industry of the Woollen Manufacture, and at the Improvements that we are daily making in every Branch of Trade and Merchandize? How would he confess and admire the Strength and Virtue of Liberty, under which all these Blessings thrive; and that the Constitution of *England*, in its present State, is the best Soil for the Preservation of a free People, from arbitrary Power, and to improve them in every Act required to make them happy?

But I would not be understood to affirm that this Constitution is of a modern Date. It has been, from the Infancy of the State of this Nation, in the Body Politic; even as the human Soul is completely in the Body of a new-born Babe. Neither of which can act, till the Bodies become duly organized; nor then otherwise than enabled by the Condition of those Organs, or Means of acting, or by the Improvement of their several Talents. Wherefore we are to consider the CONSTITUTION of this Country to be coeval with the first Glimmerings of its Government: And accordingly we find the Seeds of it, as early, in the Body Politic, as that Body was formed by the *Aborigines*, in the Southern Parts of *Britain*. Ancient Constitution.

Britain was then divided into several Principalities or distinct Estates, which were under Princes, who ruled by the Direction or Advice of national Councils or the *Kifrithin*, a Name almost synonimous with our Word *Parliament*. These ancient Councils were composed of the Princes and their Sons, the *Edlines* of princely or noble Race; the Druids, Priests and Lawyers, and the Governors of the People. They all met armed, except the Druids and Priests. A young Man was not admitted either to the Wars, or to a Seat in these Councils, till the President of the great Council delivered to him a Spear, in token of his Approbation of those Abilities of Mind and Body, necessary to qualify a Senator entrusted with the Legislative Power. In the *Kifrithin*, the Prince, that presided, first proposed the Matters for Deliberation; and then the Druids explained and debated upon them, and left them to the Decision of the Members present, who gave their Consent by clattering their Spears together; and put their negative by striking Amongst the Britons.

ſtriking their Spears with a rude Noiſe upon the Ground. In theſe Councils were made Laws for maintaining Peace, and preſerving Property. Matters of leſs Moment were left to the Deciſion of the Princes, in every Principality: But Things of greater Moment were conſulted, and determined in the great national Aſſemblies. And for ſummary Proceedings the ordinary Juriſdiction was lodged, in what was called the *Street* or *Village-Court*.

Under the Romans.

The *Romans*, by their Invaſion and arms, obliged the *Britons* to diſcontinue their *Kifrithin*; but allowed the *Village-Courts* to ſit, for the Convenience of the People. The *Britiſh* Princes, however, reſumed their Authority, and called national Councils, as ſoon as the *Romans* withdrew, and deſerted the Iſland. In one of which *Vortigern*, their Chief, was empowered to invite over the *Saxons*, to defend them from the *Picts* and *Scots*.

Under the Saxons.

The *Saxons* ſoon uſurped upon the Weakneſs of their Employers; drove the *Britons* into a Corner of the Iſland, which is called *Wales*, and took Poſſeſſion of the reſt of the Country under the *Britiſh* Government. But, when theſe Uſurpers began to form regular Principalities, they thought proper to continue the *Britiſh* Form of Government; and the *Saxon* Kings conſtantly held the *national-great Councils* for making Laws, *&c.* for deliberating upon, and determining other important Matters of Government. Which Councils, under this Revolution, changed their Name to *Witenagemote*; the Members whereof were called *Witas* or *Sages*, and their Acts *Garadniſſe*, or *wiſe Laws*. So that, tho' national Property was invaded and changed by the Power of an auxiliary Force, that uſurped the Government, taken from him that called them in; the People retained the ſupreme Power of making Laws for their own Security.

This, at firſt, ſeems ſomewhat paradoxical, that the *Saxons* ſhould take up the Form of Government uſed by the *Britons*, whom they had conquered. But, then it muſt be remembered, that the ſeveral Chiefs among the *Saxons*, were joint Undertakers in that Revolution againſt the *Britons*; and that their Commander in Chief was only the firſt Man amongſt his Equals by their

their Conſent: So, when he aſſumed the Title of King, thoſe Chiefs became his Colleagues, under the Title of *Thanes*, or Captains; becauſe they had a *capital* Right in the Lands taken by their Arms from the *Britons*: And thoſe Colleagues, and their Deſcendants, became the *Saxon* Nobles, Members of the great Council, and the Suitors of the Court of the Grand Seignory of the Kingdom; all Nobility at that Time ariſing from Poſſeſſion.

Power of the Thanes.

Therefore we find that theſe *Thanes*, or Captains, held Courts within their Portions of Land; judged their Vaſſals after the Manner of the *Britons*; were petty Princes in their own Diſtricts, and obliged the King or Sovereign to *ſwear* to adminiſter equal Right to all, and to be obedient to all Laws made and agreed to in the general Council. And when the firſt Code of *Saxon* Laws was made by *Æthelbert*, that King made it in the *Witenagemote*, by and with the Advice of his *Wita's*; in which Code was inſerted all that could be recovered, or was judged uſeful and valuable in the *Britiſh* Laws. A Fact that confirms the great Antiquity of our Conſtitution, and by what Means, and how long, our Liberties, as *Engliſhmen* have been preſerved.

Alfred the Great, and all the other *Saxon* Legiſlators, purſued the ſame tract, and uſed their endeavours to ſecure, and to fortify, that admirable Conſtitution; by which equal Juſtice was done to Men of every Degree. Theſe Laws were very ſhort and plain; and the *County Courts* and other *inferior* Juriſdictions, kept the People in due Subjection and Peace: So that their Dominions become very populous, and the Happineſs of the Subjects very great; notwithſtanding the Struggles, that enſued between the *Saxons* and the *Danes* for Dominion.

Under the Danes.

For, though the *Danes* prevailed, they were ſo convinced of the neceſſity of retaining the old Form of Government, that they not only eſtabliſhed it, but extended and improved it; as may be ſeen in the Body of Laws framed by *Canute*, at *Wincheſter*, in the Year 1036, with the Conſent of his wiſe Men, or great Council of the Nation.

King Edward, the Confeſſor's Laws.

Edward the Confeſſor formed another Body of Laws; which, by way of eminence, has uſually been called *Lex Angliæ*, and ſometimes *Lex Terræ*; being a Collection of

of the beſt of the *Mercian*, *Weſt Saxon*, *Daniſh*, and King *Edgar*'s Laws. By this the Confeſſor put the whole Nation under one Form, and eſtabliſhed, what we underſtand in the Term, *common Law*. And THIS was the Law, together with the Liberties and Privileges derived from it, that the Barons ſo inceſſantly contended to recover during the firſt *Norman* Reigns; and was obliged for a conſiderable Time to give Place to the *Cuſtoms* introduced by the Conquerors. For, though *William* the *Norman*, at his Coronation, ſwore that he would preſerve the *Engliſh* Conſtitution, and compiled a Code of the Laws and Cuſtoms in King *Edward* the Confeſſor's Time; held the Courts *de More*, as his Predeceſſors had done, and left the civil Rights of the people, as he had found them, to be heard and determined in the *Court-Baron*, *Hundred* and *County-Courts*, according to ancient Uſage; yet in the laſt Year of his Reign, this very King ſet forth another Code of Laws, that wrought a conſiderable Change in the Conſtitution. He ſettled a Sort of *military* Government to be ſupported by ſixty thouſand Knights, or Horſemen, and upwards, ready to ſerve him upon all Occaſions. And that they might be ſtrongly tied to his Intereſt, he ordained, that the Grants of their Lands ſhould become hereditary to them and their Heirs, upon Condition of Service, Faith, and Obedience, and that nothing ſhould be demanded of them for their Lands, but their Service: And he further ordained, that the Tenants to thoſe Knights ſhould pay due Rents and Services, according to Cuſtom and Contract, and that thoſe Tenants or Sockmen ſhould not be turned out of their Farms, ſo long as they paid their Rents, and performed their Services to the Lord: Which is known by the Name of *Sockage Tenure*.

Conſtitution under William the Conqueror.

In proof of this we cite Authorities of the moſt authentic Authors.

Firſt, That *Florence* of *Worceſter*, *Simeon* of *Durham*, and *R. Hoveden* expreſsly ſay, that *William*, called the *Conqueror*, made a League, or Compact with the Archbiſhops, Biſhops, Earls, and Nobles of the Land, who met him at *Beorcham*.

Secondly, That the aforeſaid Authors, with *John Brompton*, declare, that as the Biſhops and Barons of the Realm ſwore fealty to him, ſo he reciprocally, being required

quired ſo to do by the Archbiſhop of *York*, made his perſonal Oath before the Altar of St. *Peter*, to defend the Holy Church of God, and the Rectors of the ſame, to govern all the People ſubject to him juſtly, to eſtabliſh equal Laws, and to ſee them duly executed.

And when new Commotions were made by the Nobility, and Clergy; upon their Submiſſion, and Oath of Allegiance re-taken, he himſelf takes his perſonal Oath again before Archbiſhop *Lanfranc*, and the Lords, for the good of Peace, to obſerve the ancient Laws of the Realm, eſtabliſhed by his Predeceſſors the Kings of *England*, and eſpecially of *Edward* the Confeſſor; and this ſo pacified the *Engliſh*, that they went joyfully to their own Homes.

Thirdly, *Matthew* of *Weſtminſter* ſaith, that when the two Sons of *Swain* came into *England* to fight againſt it, the Conqueror recalling many of the *Engliſh* Nobles, made a League with them, and by their Aid he overcame the *Danes*. And that this League contained the Grant of their Rights and Liberties, or the Laws of their Country, is evident from what follows in the ſame Hiſtorian, *viz.* That the Conqueror being thus ſecured, in many Things violated his Promiſes, taking from the Churches and Monaſteries, in which they lay, the Charters, in which the Nobles of *England* confided, and to which he had ſworn when he was in ſtraits.

Fourthly, *R. Hagulſtadenſis*, *S. Dunelmenſis*, *R. Hoveden*, *M. Paris*, *Henry* of *Knyghton*, and *W.* of *Malmſbury* inform us, that *Henry* the Firſt granted to all the People the Laws of *Edward*, with the Emendations, which his Father had made of them, ſtrengthening them with his own Oath, and the Oath of all his Nobles, that they might not be eluded; and *W. Lambard* cites this as one of the Laws of *William* the Conqueror. This alſo we command, that all Men have, and keep the Law of King *Edward*, with the Additions we have made to them for the Benefit of the *Engliſh* Men.

Fifthly, The Chronicle of *Litchfield* doth inform us, that the whole Community of *England* ſued to the Conqueror, that he would permit them to have the proper Laws and ancient Cuſtoms, in which their Fathers had lived, and under which they were born and educated, *viz.* the Laws of St. *Edward*; and that the King conſented to their Petition.

Sixthly,

Sixthly, *Ingulphus*, his Secretary, ſaith, that he, under the ſevereſt Penalties, proclaimed, that the Laws of King *Edward* ſhould be perpetual, authentic, and be obſerved inviolably through the whole Kingdom of *England*, and as ſuch he commended them to his Juſtices.

Seventhly, *R. Hoveden* informs us, that he commanded the Laws of King *Edward* to be obſerved in all Things: And that in the fourth Year of his Reign, by the Counſel of his Barons, he made the noble and wiſe Men of *England* to be ſummoned throughout all the Provinces of *England*, that he might hear from them, who were ſkilled in their Law, their Rights and Cuſtoms; and that twelve Men were choſen out of every County, who ſwore, to their Power, to tread in a right Path, neither turning to the right Hand or to the Left, and to make known to him the Cuſtoms, and the Eſtabliſhments of their Laws. And then he adds the very Words contained in the Chronicle of *Lichfield*.

Now all theſe Things put together ſeem plainly to conclude an original Compact or Eſtabliſhment of Laws, by which the Kings of *England* were to govern, and the Kingdom to be governed; and the Continuance, and Renewal of that Eſtabliſhment by our ſucceeding Kings, ſuch as *Malmſbury* ſtiles our *Patriæ Leges*, and the Statute of *Henry* the Eighth, the accuſtomed and ancient Laws of this Realm originally eſtabliſhed.

Magna Charta.

Many were the Injuries brought upon the Conſtitution, and great were the Struggles of the Nobles and People for their ancient Laws, Liberties and Cuſtoms during the following Reigns; which brought on the civil War in the Reign of King *John*, who was obliged to grant MAGNA CHARTA, or the *great Charter*, or *Charter of Liberties*, and the *Charter of the Foreſts*; or rather to confirm and ſolemnly to ratify, and to augment the ſame *Charter of Liberties* ſigned by King *Stephen*, and *Henry* II. and which afterwards ſuffered many windings and turnings, till King *Henry* III. ſettled and left it in the Form, in which it now appears in our Statute Books.

For farther Evidence of this Matter, let it be conſidered;

That when theſe *Patriæ Leges*, that is, theſe Ancient Laws of their Country were violated, they conſtantly complained of the Injuſtice of the Action, required the Ob-

Obſervance of them; and when they could not prevail by fair Means, they revolted from their Subjection, and ſought to recover their Right by Arms. This they require of *William Rufus*, when he was ſick: And it was probably for Neglect of their good Laws, that moſt of the Nobility, ſaith *M. Paris*, did *una Rabie conſpirare*, conſpire againſt him with one Fury. For the ſame Reaſon it was, that when *Robert* came againſt King *Henry* the Firſt, a great Part of the Navy went over to *Robert*, for this they did, ſaith *M. Paris*, *quia Rex jam Tyrannizaverat*, becauſe the King was become a Tyrant, *i. e.* he governed not according to Law.

When *Steven* Archbiſhop of *Canterbury* in the Year 1213, had found the Charter of *Henry* the Firſt, by which he granted to them the Law of King *Edward*, with thoſe Emendations which his Father, by the Counſel of the Barons, did ratify, he told the Nobles this was the Charter, by which, if they pleaſed, they might reduce their long loſt Liberties into their former State; the Charter being read, they much rejoiced, and ſwore, in the Preſence of the Archbiſhop, that when they could ſpy out a fit Time, for thoſe Liberties, if need required, they would ſpend their Blood; the Archbiſhop, on the other Side, promiſed to help them to the uttermoſt of his Power, and ſo, having made a League among themſelves, they diſſolved the Aſſembly.

When King *John* ſtill neglected to obſerve theſe Laws, the Nobles come unto him, requiring him to confirm the Liberties and Laws of King *Edward*, and other Liberties granted to him, the Kingdom and the Church of *England*, they being *Leges antiquæ & Regni conſuetudines*; the ancient Laws and Cuſtoms of the Kingdom, contained partly in the Charter of *Henry* the Firſt, and partly gathered out of the old Laws of King *Edward*, threatening that if he would not inſtantly grant them, and confirm them under his Seal, they would compel him ſo to do, by ſeizing on his Caſtles, Lands, and Poſſeſſions, till he gave them competent Satisfaction in that Matter. Then the Archbiſhop ſhewed the King the Contents of that Charter; and upon the King's Anſwer, that he would never grant ſuch Liberties, by which he himſelf was made a Servant, and that the Barons might as well aſk the Kingdom; they betook themſelves to War, and

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the Barons having got the City of *London* on their Side, they wrote Letters to all the Earls, Barons, and Knights who adhered to the King, exhorting them, with Threats, that as they loved the Indemnity of all their Goods, Poſſeſſions, deſerting the perjured King, they would adhere to them faithfully, and ſtand immoveably with them, fighting for the Liberties, and Peace of the Kingdom.

Whereupon the King, finding that he was not able to reſiſt the Strength of the Barons, without Difficulty grants the Laws and Liberties they demanded, and confirmed them by his Charter. And thus it was, as *Henry* of *Knyghton* ſaith, that in his Time were procured the Articles of *Magna Charta* to the common Good of the Realm. And when the King, by the Inſtigation of ſome Sons of *Belial*, was again perſuaded to fly from his Oath and Promiſe, the Barons ſpake thus to one another, what ſhall we do with this wicked King? If we let him thus alone, he will deſtroy us, and our People; it is expedient therefore, that he ſhould be expelled from the Throne: we will not have him any longer to reign over us. And thereupon they ſend preſently to *Lewis* the Son of the *French* King to come to their Aſſiſtance, promiſing him the City of *London*, and their Allegiance to him. And though the Pope ſent his Bull, by which he made void this Charter of the Liberties of the Kingdom of *England*, and writ a threatening Letter to the Barons of *England* upon that Affair: Notwithſtanding all his Threats, *noluerunt deſiſtere ab inceptis*, the Barons would not deſiſt from their Undertakings, but riſing up ſtill againſt him, they vehemently annoyed him, ſaying, concerning the Pope, that of the Prophet, Wo to him that juſtifies the wicked. And when the Pope proceeded to excommunicate the Barons by Name, and in particular, neither would the Barons obſerve, nor the Prelates publiſh the Excommunication. And what the Judgment of the Generality of this Nation was of the whole War, we may learn not only from the general Engagement both of the Laity and Clergy in it, but alſo from our own Hiſtorians; for they inform us, that our Nobles were forced to make this War out of a double Neceſſity, becauſe the King would not permit the Laws of St. *Edward* to be kept, as formerly they were wont to be, but did all Things by his own Will, nor would obſerve the Form of the Law; but

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diſinherited his Nobles without the Judgment of their Peers.

To this effect I find, according to the Cuſtom of thoſe Times, a long Rhyme in the Chronicle of *Mailros*, deploring the Infelicity of this Affair, that the Body ſhould attempt to rule the Head, and the People to be above their King; but adding, that there was a great and manifold neceſſity that it ſhould be ſo, ſeeing the King perverted all the good Cuſtoms of the Kingdom, neither rightly managing Laws, Rights, or Subjects, but making that to be Juſtice which was agreeable to his own Will, which moved them to ſwear they would not ſuffer this Tyranny of the King, and to require the Depoſition of him, if he would not conſent to the Reformation of the Law; and to reſign the Homage they had made, till he would give them caution to preſerve the Peace. And the ſame Annals ſay, the Barons only fought *pro legibus priſtinis reſtaurandis*, for the Reſtauration of their ancient Laws. And when the Earl of *Pembroke* made his Oration to the aſſembled States in behalf of *Henry* the Third his Son, he begins it thus, Albeit the Father of this Prince, for his evil Demeanors, hath worthily undergone our Perſecution—we ought of Duty and Conſcience, to obey his Son. Speed, p. 575.

When *Henry* the Third made void the Charters of Liberties, and of the Foreſt, pretending they were granted whilſt he was in dureſs, and had not the power of his Body, or of his Seal; the People preſently began to murmur, and the Barons ſiding with *Richard* Earl of *Cornwal*, the King's Brother, with Threats requeſted him to do right to his Brother, ſharply denouncing to him, that he ſhould without delay reſtore the Charters to him ſealed which he had cancelled at *Oxford*; and if he did not, they would compel him by the Sword to make him competent Satisfaction in theſe Matters.

A. D. 1233, the King invites over the *Poictouvins*, and other Strangers, who, with the Biſhop of *Winton*, oppreſs the Nobles with all their Power, and cauſe great Diſcord and Complaints; for Judgments were committed, ſaith *M. Paris*, to the unjuſt; the Laws to them who were outlawed, Peace to thoſe who were given to diſcord, and Juſtice to the injurious. Theſe Things ſo exaſperate the Nobility, that they combine for Defence of the

the Public; and by *Richard* his Brother, and the Earl Marſhal, humbly requeſt of the King, that he would ſpeedily correct theſe Exceſſes which tended to the Subverſion of his Crown and Kingdom, to the Oppreſſion of his natural People, and of their Laws and Liberties, and that if he would not reform them, they would withdraw themſelves from his Counſel.

Whereunto the Biſhop of *Wincheſter* replies, that it was lawful for the King to call what Strangers he liſted about him for Defence of his Crown and Kingdom, thereby to compel his proud and rebellious Subjects to their Obedience; with which Anſwer they were ſo incenſed, that they promiſed each other in this cauſe, which concerned them all, they would ſpend their Lives.

Then the King ſummons them to a Parliament at *Oxford*, to which they would not come: and after this to another at *Weſtminſter*; they ſending him this Meſſage, that he ſhould ſuddenly remove *Peter* Biſhop of *Winton*, and his *Poictouvins*; and that if he would not do this, they all, by the common Counſel of the whole Kingdom, would expel him with his evil Counſellors out of the Kingdom, and conſult about the Creation of a new King.

A. D. 1234, A Parliament is aſſembled at *Weſtminſter*, in which indeed the Biſhop of *Cheſter* excommunicates all them who were deſigning *alium Regem creare*, to create another King; yet doth the Archbiſhop elect, and his Suffragans roundly declare againſt the cruel and dangerous Practices of *Peter* Biſhop of *Winton*, and *Peter de Rivalis*. Firſt, becauſe they ſuggeſted, that the *Engliſh* were Traitors, and alienated the King's Heart from the Marſhal, who was the beſt Man in the Land. So that, in their Judgment, they that fought, and were then in Arms for their Laws and Liberties, were ſo far from being Traitors, that they were the beſt Men of the Nation. Secondly, that there was cauſe to fear the Ruin both of King and Kingdom, ſince they had got ſuch an Aſcendant over him, that he ſeemed rather to be under their Power, than they under his. Thirdly, that they confounded, and perverted the Law of the Land ſworn to, and confirmed, and ſtrengthened by Excommunication, and with that all Juſtice; by Reaſon of which, and many other Grievances, they humbly beſought him to govern

vern his People, according to the Example of other Nations, by the ſworn Natives of his Kingdom, declaring that if he did not correct theſe Miſcarriages in a little time, they would proceeded by eccleſiaſtical Cenſure both againſt his Counſellers and himſelf.

Edmund, Archbiſhop elect of *Canterbury*, being ſoon after conſecrated, comes to the King with his Biſhops and Prelates, relates again the ſame Grievances, declaring to him, that if he would not correct, and pacifically compoſe theſe Things with his Liege People, he, with his Prelates, would denounce the Sentence of Excommunication againſt him and all the Enemies of this Concord. Upon which the King is, at laſt, prevailed with to remand the Biſhop of *Winton* to his Cure, to baniſh *Peter de Rivalis* from the Court, and the *Poictovins* from the Kingdom.

A. D. 1237. A Parliament is held at *London*, in which King *Henry* requeſts, in regard of the great Expence for his Siſter's Marriage, the thirtieth Part of all Moveables both of the Clergy and the Laity. After great Oppoſition made to this Demand, and the Recital of many ſuppoſed Miſcarriages, the King diſavowing, and proteſting againſt his former Revocation, and freely granting the inviolable Obſervation of the Liberties, under pain of Excommunication, hath yielded to him the thirtieth part of all Moveables.

In the Year 1240, the Archbiſhops, Biſhops, and many of the Nobles, aſſembled at *London*, grievouſly complain of divers Injuries, Oppreſſions, and Deſolations which befel the Church by the evil Counſel of the King, violating his Charters, and his Oaths, after he had ſo often ſworn that he would preſerve the eccleſiaſtical Rights inviolated, and himſelf held a Candle when the Biſhops, in his hearing, pronounced the Sentence of Excommunication againſt all the Violators of the eccleſiaſtical Liberty, he then extinguiſhing his Candle with the reſt.

In the Year 1242, the ſaid King requeſts farther Supplies of his Parlsament held at *Weſtminſter* for his intended Expedition into *France*. But they reſolutely deny to give him any, for that, in order to the obtaining former Grants of Money, he had promiſed and granted to them, that all the Liberties contained in *Magna Charta*, ſhould from thence be fully obſerved through the Kingdom, and

had given them a little Charter, in which they were contained; and yet, after all, he never was true to his Word, but oppreſſed them ſtill more.

In the Year 1244, he deſires new Supplies, which for a Time they refuſe; pleading that the Charter of Liberties, which the King had granted, and the Archbiſhop had upon Oath in the King's Name promiſed to them, was not obſerved. Though at laſt, upon the King's faithful Promiſe to keep and obſerve the Liberties, unto which he had ſworn at his Coronation, and whereof he had granted his Charter, and upon the Appointment of four Noblemen to be of the King's Council, who ſhould be *conſervatores Libertatum*, Keepers of their Liberties, they grant him new Supplies; the King then promiſing himſelf to obſerve them, and requeſting that for the Defence of their Liberties, all the Biſhops in their Dioceſſes ſhould pronounce Sentence againſt him, and all who violated the ſaid Liberties in any Article of them. And thus they agreed to grant him a Supply.

In the Year 1252, he holds a Parliament at *London*, and requires more money; and they, after ſome Conſultation anſwer, that though the King had much oppreſſed both Church and Kingdom, they would do their utmoſt to ſatisfy his Deſires, provided that, as he had often promiſed, he would now at laſt inviolably obſerve the Charter of their Liberties, ſo often covenanted and ſworn to. Other Things they demanded then, which the King would by no Means agree to, ſwearing horribly, that whilſt he lived he never would be reduced into ſuch Slavery: And ſo the Aſſembly breaks up, producing nothing but the King's Wrath.

In the Year 1253, was aſſembled a very great Parliament, in which the Archbiſhop, and ſome Biſhops, are ſent to induce the King to permit holy Church to enjoy her Liberties, as he had oft promiſed upon Oath; and declaring, that if he would correct this, and other of his Miſcarriages, according to the Tenor of *Magna Charta*, they would incline to his Petition, how burthenſome ſoever it might be to them: This the King promiſeth to do, and deſires them to aſſiſt him in it. So the Clergy grant him a Tenth, and the Knights Scutage, *viz.* three Marks of every Knight's Fee for that Year, and the King promiſeth faithfully, and without cavil to ratify

ratify *Magna Charta*, and faithfully to obſerve all the Articles of it, which King *John*, and he, at his Coronation, and often ſince, had ſworn to obſerve. And this is done in the moſt ſolemn and ceremonial Manner that could be deviſed; for the King, with all the great Nobility of *England*, all the Biſhops and chief Prelates in their Ornaments, with burning Candles in their Hands, aſſemble to hear the terrible Sentence of Excommunication upon all the Infringers of the ſame; and at the lighting of thoſe Candles, the King, having one in his Hand, gives it to one of the Prelates, ſaying, it becomes not me, who am no Prieſt, to hold this Candle; my Heart ſhall be a greater Teſtimony; and withal laid his Hand on his Breaſt the whole Time the Sentence was read, which was thus pronounced: In the Name of the omnipotent God, *&c.* Which done, he cauſed the Charter of King *John* his Father to be read: In the End, having thrown away their Candles, they cried out, "So let them who incur this Sentence be extinct, and ſtink in Hell:" And the King with a loud Voice ſaid, "As God help me, I will, as a Man, a Chriſtian, a Knight, a King crowned and anointed, inviolably obſerve all theſe Things." But notwithſtanding all this, in the very next Year the King, by the Counſels of ſome wicked Men, is wrought upon to infringe again this Charter, hoping for a gift to obtain an Abſolution from his Oath.

In the next Year a Parliament is called, which yields nothing but grievous Complaints for Breach of *Magna Charta*, and Promiſes of Supply provided it may be again confirmed, and the electing the Juſticiar, the Chancellor, and Treaſurer put into their Hands. To which the King would not yield: but, though the King would not obſerve it, *M. Paris* ſaith, it was cried in all Countries, and denounced in all Synods, Churches, and public Reſort, that *Magna Charta* ſhould be inviolably obſerved, and the Sentence of Excommunication is denounced againſt all the Violators of it.

In the Year 1256, Proviſion is again made, under the Penalty of an horrible Anathema, that the *Magna Charta* of King *John* ſhould be obſerved.

In the Year 1257, the King requeſts an Aid for *Edmund* his ſecond Son, for the acquiring the Kingdom of *Sicily*: and after many Excuſes, upon Condition that the King

would obſerve *Magna Charta*, ſo often promiſed, and bought, they tender 52000 Marks: with which the King was not ſatisfied.

In the Year 1258, was held the Parliament at *Oxford*, where the Nobles enter into an unchangeable League to require that the King ſhould faithfully obſerve the Charter of King *John*, which he had ſo often ſwore to perform: they require alſo the Chief Juſticiar, Chancellor, and Treaſurer to be ordained by public Choice, and the twenty-four Conſervators of the Kingdom to be confirmed, twelve by the Election of the Lords, and twelve by the King: who ſwears to the Confirmation of theſe Things, and cauſes the Prince to take the ſame Oath. *Walſingham* adds, that all after him did ſwear almoſt the ſame Thing.

But notwithſtanding this, the King gets an Abſolution from his Oath of the Pope. Of this the Barons hearing, humbly beſeech him to perform the Oath publicly ſworn; but the King anſwering them with Threats, the Buſineſs is deferred till the coming of Prince *Edward*; who coming, ſides with the Barons, according to his Oath, and a League is made betwixt them to apprehend the King's evil Counſellors, and their Abettors, and to endeavour to remove them from the King.

In the Year 1263, The Conteſt betwixt the King, and the Barons is referred to the Mediation of the *French* King, who annuls the Proviſions of *Oxford*, but with this Exception, that the ancient Charter of King *John* granted to the Community, ſhould in nothing be thereby impaired.

Then began the Barons Wars under *Simon* of *Monfort*, who ſucceeded ſo far in them, as to take the King and his Son Priſoners. But afterwards the Prince eſcaping out of Priſon, fights with *Simon*, and overthrows him at *Eveſham*, where he was ſlain.

After the End of theſe Wars, in the Year 1269, the King calls a Parliament to be held at *Marlborough*, where the Statutes called the Statutes of *Marlborough* were enacted; in the fifth Chapter of which it is decreed, that the great Charter, and the Charter *de Foreſta* ſhall be obſerved in all their Articles, both concerning the King, and his Subjects. And here, ſaith the Lord *Coke*, it is to be obſerved, that after this Parliament, neither *Magna Charta*, nor *Charta de Foreſta* was ever attempted to be impugned, or queſtioned: whereupon Peace and Tranquillity have ever ſince enſued.

MAGNA

MAGNA CHARTA, *made in the Ninth Year of King* Henry *the Third. With ſome ſhort, but neceſſary Obſervations on this Charter, taken out of my Lord* Coke's *ſecond Inſtitutes.*

HENRY, by the Grace of God, King of *England*, Lord of *Ireland*, Duke of *Normandy* and *Aquitane*, and Earl of *Anjou*; to all Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, Sheriffs, Provoſts, Officers; and to all Bailiffs, and our faithful Subjects, which ſhall ſee this preſent Charter, greeting. Magna Charta.

Know ye, that we, unto the Honour of God, and for the Salvation of our Soul, *&c.* and to the Advancement of Holy Church, and the Amendment of our Realm, *(a)* of our free and meer Will, have given and granted to all Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and to all Free-men of our Realm, theſe Liberties following, to be kept in our Kingdom of *England* for ever.

Chap. 1. *Imprimis (b)*, We have grantedto God, and by this our preſent Charter, have confirmed for us, and *(c)* our Heirs for ever, that *(d)* the Church of *England* ſhall be free, and ſhall have all her *(e)* whole Rights and

(a) The adding of theſe Words, was becauſe King *John* made the like Charter in Effect, *Anno* 17. And thinking afterwards to avoid it, pretended it was made by Dureſs.

This great Charter is divided into thirty-eight Chapters.

(b) When a Thing is granted for God, the Law ſays, it is granted to God; and what is granted to his Church, for his Honour, *&c.* is granted for and to God. *Quod datum eſt Eccleſiæ, datum eſt Deo.*

(c) Theſe Words were added, becauſe that this great Parliamentary Charter might live, and take effect in all Succeſſions of ages for ever.

By the Law of Poinings, made by the Authority of Parliament in *Ireland*, *Anno* 11. *H.* 7. Magna Charta, as indeed, all the Laws and Statutes of *England* before that Time, does extend into *Ireland*.

(d) That is, that all eccleſiaſtical Perſons within the Realm, their Poſſeſſions and Goods ſhall be freed from all unjuſt Exactions and Oppreſſions; but yet, ſhould yield all lawful Duties, either to the King, or any of his Subjects.

(e) i. e. That all eccleſiaſtical Perſons ſhall enjoy all their lawful Juriſdictions, and other their Rights wholly, without any Diminution or Subſtraction whatſoever.

Liberties *(f)* inviolable. We have granted alſo, and given to *(g)* all the Freemen of our Kingdom, for us, and our Heirs for ever, theſe *(h)* following Liberties; to have, and to hold, to them and their *(i)* Heirs, of *(k)* us, and our Heirs for ever.

Chap. 2. If any of our *(l)* Earls or *(m)* Barons, or any other, who *(n)* hold of us in Chief *(o)* by Knights-Service,

(f) Liberties here are taken in two Senſes: 1. For the Laws of *England*; ſo called, becauſe they make free. 2. For Privileges held by Parliamentary Charter, or Preſcription, more than ordinary.

(g) Theſe Words do include all Perſons, eccleſiaſtical and temporal, incorporate, politick, or natural; nay, they extend to Villains: For they are accounted free againſt all Men, ſaving againſt their Lords.

(h) This Word (following) reſtrains Liberties to the thirty-eighth Chapter of this Charter,

(i) At this Time (Heirs) were taken for Succeſſors, and Succeſſors for Heirs.

(k) To intimate, that all Liberties, at the firſt, were derived from the Crown.

(l) At this Time there was never a Duke, Marqueſs, or Viſcount in *England:* The firſt Duke, created ſince the Conqueſt, was *Edward* the Black Prince, in 11 *E.* 3. The firſt Marqueſs was *Robert de Vere*, Earl of *Oxford*, who in 8. *An. R.* 2. was created Marqueſs of *Dublin* in *Ireland*. The firſt Viſcount on Record, and that ſat in Parliament by that Name, was *John Beaumont*, in the 18. *An. H.* 6. created Viſcount *Beaumont*.

(m) Barons. It is to be underſtood, that if the King give Land to one, and his Heirs, to hold of the King, *per ſervitum Baroniæ*; he is no Lord of Parliament, until called by Writ to the Parliament.

Theſe Earls and Barons have Offices and Duties annexed to their Dignities, of great Truſt, for two Ends: 1. To conſult, in Time of Peace. 2. To defend the King and Country, in Time of War. And therefore, they wear two Enſigns, to put them in mind of their Duties: 1. An honourable and long Robe of Scarlet, to reſemble Counſel; in reſpect whereof, they are counted in law, the King's great Council; 2. They are girt with a Sword, ever to be ready to defend their King and Country.

(n) It appears in the Books, that he that *holds of the King in Chief*, muſt not only hold of the Perſon of the King: But the Tenure muſt be created by the King, or ſome of his Predeceſſors,

vice, die; and at the Time of his Death, his Heir ſhall be *(p)* of full Age, and oweth to us *(q)* Relief, he ſhall have his Inheritance by the old Relief: That is to ſay, *(r)* the Heir or Heirs of an Earl, for a whole Earldom, by one hundred Pound; the Heir or Heirs of a Baron, for a whole Barony, by one hundred Marks; the Heir or Heirs of a Knight, for one whole Knights-Fee, one hundred Shillings, at the utmoſt: And he that hath leſs, ſhall give leſs; according to the old Cuſtom of the Fees. See *Old. Nat. Brev.* fo. 94. 3. *Bulſtrode*, 325. *Doctor* and *Student*, 14. *Fitz. Nat. Brev.* fo. 254. *B.* 263. *B. Hobart*, 46. *Alt. Stat.* 12. *Car.* 2. *cap.* 24.

Chap. 3. But if the *(s)* Heir of any ſuch be within Age, his Lord ſhall not have the Ward of him, nor of his Land, before he hath taken of him *(t)* Homage. And after-

deeeſſors, Kings of this Realm, to defend his Perſon and Crown; otherwiſe, he ſhall have no Prerogative, by reaſon of it: For no Prerogative can be annexed to a Tenure created by a Subject. See the firſt *Inſtit.* §. 103. 47. *E.* 3. 21. *Fitz. Nat. Brev.* 5.

(o) By Knights-Service: See for this, the firſt *Inſtit.* §. 103. 112. 154. 157. 126, 127.

(p) Of full Age, *i. e.* of the Age of 21. 1 *Inſtit.* §. 104.

(q) i e. The ancient Relief, which was certain at the common Law, [Relief is derived from the *Latin Relevare*, which is to eaſe by Abatement, *&c.*] the fourth Part of the yearly Value.

(r) See the firſt *Inſtit.* §. 1.

Note, That of antient Time, every Earldom and Barony were holden of the King in Chief; which proves, that both the Dignities of the Earl and Baron, and the Earldom and Barony, were derived from the Crown.

And the fourth part of the yearly Value of an Earldom, a Barony, and the living of a Knight, was the antient Relief here ſpoken of; as a Knight's-living was eſteemed at twenty Pound *per Annum:* And therefore, to pay five Pound, and ſo upwards.

☞ This Chapter of Magna Charter, is but a Declaration and Reſtitution of the antient common-Law.

(s) Heir: This Statute is only to be intended of an Heir-Male; whereof *Hares* is derived: And who is an Heir, ſee 1 *Inſtit.* §. 1, 2, 3. *Cuſtumier de Normandy*, 99. and the Expoſition on the ſame.

(t) The Statute means, that the Homage ſhould be taken of the Heir himſelf, for his Benefit; as by the old Books. Ho-

after such an Heir hath been in Ward, when he is come to full Age; that is to say, the Age of one and twenty Years, he shall have his Inheritance without Relief, and without Fine: So that, if such an Heir being within Age, *(u)* be made a Knight; yet notwithstanding, his Land shall remain in the Custody of his Lords, unto the aforesaid Term. *Fitz. Nat. brev.* fol. 269. *Alt.* 12. *Car.* 2. *Cap.* 24.

Chap. 4. The *(x)* Keeper of the Land of such an Heir, being within Age, shall not take of the Lands of the Heir, but *(y)* reasonable Issues, *(z)* reasonable Customs, and reasonable Services; and that without Destruction, and waste of his Men and his Goods. And if we commit the Custody of any such Land to the Sheriff, or to any other, which is answerable to us for the Issues of the same Land, and he make Destruction or waste of those Things that he hath in Custody, we *(a)* will take of him Amends and Recompence therefore; and the Land shall be committed to two lawful and discreet Men of that Fee, who shall answer unto us for the Issues of the same Land, or unto him whom we will assign: And if we shall give or sell to any

mage is of an higher Nature than Escuage, to divers Purposes. 1. For Homage binds to warranty, Escuage not. 2. Homage is so solemn, that it cannot be done again, as long as the Tenant that made it lives: But Escuage may be given every other Year. 3. One within Age may do Homage, but he cannot do fealty; because that is to be done upon oath. *Quod nota. Brac.* l. 2. fol. 79. 1 *Instit.* l. 2. c. *Homage* and *Fealty.*

(u) Be made:] This proves, that Knighthood ought to be by Creation, or making, and cannot be by Descent.

(x) He is not only to keep and preserve the Lands and Tenements of the Ward, committed to his Custody, in safety; but also to educate, and bring up his Ward virtuously, and to advance him in marriage, without Disparagement. See 1. *Instit.* §. 103. 4. *Instit.* Chap. Court of Wards and Liveries.

(y) Nothing unreasonable is allowed by Law.

(z) Things due by Custom or Prescription, and appendent or appurtenent to the Lands or Tenements in Ward; also, the reasonable Customs, Fines, *&c.* of Tenants in Villenage, or by Copy of Court-Roll, where Fines be incertain.

How and by whom this said Reasonableness in the Cases aforesaid, may be tried, see 1. *Instit.* §. 69.

(a) This may be upon an Office found, or by Writ directed to the Sheriff, to this effect: *Quia datum est nobis intelligi,* &c.

Man,

Man, the Cuſtody of any ſuch Land, and he therein do make Deſtruction or Waſte, he ſhall *(b)* loſe the ſame Cuſtody. And it ſhall be aſſigned to two lawful and diſcreet Men of that Fee; who ſhall alſo in like Manner be anſwerable to us, as afore is ſaid. *Vid. Gloceſ. cap.* 5. *Weſtmin.* 1. *cap.* 21.

Chap. 5. The Keeper, ſo long as he hath the Cuſtody of the Land of ſuch an Heir, ſhall keep up the Houſes, Parks, Warrens, Ponds, Mills; and other Things pertaining to the ſame Land, with the Iſſues of the ſaid Land: And he ſhall deliver to the Heir, when he cometh to his full Age, all his Land ſtored with Ploughs, and all other Things, at the leaſt, as he received it. All theſe Things ſhall be obſerved in the *(c)* Cuſtodies of Archbiſhoprics, Biſhopricks, Abbies, Priories, Churches, and Dignities, vacant, which appertain to us; except this, that ſuch Cuſtody *(d)* ſhall not be ſold. *Stat.* 3. *E.* 1. 21. *Stat.* 36. *E.* 3. 13. *Old Nat. Brev.* 37.

(b) That is underſtood of the Land, and not of the Body.

But note; ſince this great Charter, divers other Statutes againſt Waſte and Deſtructions, in the Lands of Wards, have been made.

At the making of this Statute, the King had not any Prerogative in the Cuſtody of the Lands of Idiots, during the Life of the Idiot; but the Guardianſhip of Idiots, was to the Lords, and others, according to the Courſe of the common Law: And this Prerogative was given to King *E.* I. before *Briton* wrote, by ſome Act of Parliament, not now extant. And it appears by the Mirror of Juſtices, agreeing with *Fleta*, that this Prerogative was granted by common Aſſent. *Beverley's Caſe*, lib. 4. fol. 126.

(c) The Cuſtody of the Temporalties of every Archbiſhop and Biſhop, within the Realm, of ſuch Abbeys and Priories, as were of the King's Foundation, after the ſame became void, belonged to the King, during the Vacation thereof, by his Prerogative, as Founder: And this belongs to the King, being *Patronus & Protector Eccleſiæ*, in ſo high a Prerogative incident to his Crown, as no Subject can claim the Temporalties of an Archbiſhop or Biſhop, when they fall, by Grant or Preſcription.

(d) Shall not be ſold. *Fleta*, lib. 1. cap. 11. ſays, *Vendere non debent, nec legari:* Yet the King may commit the Temporalties of them, during the Vacation; as by the Statute of 14 *E.* 3. appeareth.

Chap.

Chap. 6. Heirs ſhall be married without Diſparagement.

Chap. 7. A Widow, after the Death of her Huſband, incontinent, and without any difficulty, ſhall have her Marriage, and her Inheritance; and ſhall give nothing for her Dower, her Marriage, or her Inheritance, which her Huſband, or ſhe, held the Day of the Death of her Huſband: And ſhe ſhall *(e)* tarry in the Chief-houſe of her Huſband, by forty Days after the Death of her Huſband: Within which Days, her Dower ſhall be aſſigned her, (if it were not aſſigned her before) or that the Houſe be a *(f)* Caſtle. And if ſhe depart from the Caſtle, then a *(g)* competent Houſe ſhall be forthwith provided for her; in the which, ſhe may honeſtly dwell, until her Dower be to her aſſigned, as aforeſaid: And ſhe ſhall, in the mean Time, have her *(h)* reaſonable Eſtovers of the common. And for her Dower, ſhall be aſſigned unto her, the third Part of all the Lands of her Huſband, which were his, during coverture; except ſhe were endowed of leſs, at the Church Door. *(i)* No Widow ſhall be deſtrained to marry herſelf, ſo long as ſhe ſhall

(e) This is called her Quarentine. Therefore, if ſhe marry within the forty Days, ſhe loſes her Quarantine: For her Widowhood is paſt, and ſhe has provided for herſelf; and her Quarantine is appropriated to her Widow's Eſtate.

(f) This is intended of a warlike Caſtle, maintained for the neceſſary Defence of the Realm.

(g) This muſt be a Houſe, whereof ſhe is dowable.

(h) That is, Suſtenance.

When Eſtovers are reſtrained to Woods, it ſignifies Houſe-boot, Hedge-boot, and Plow-boot.

(i) This is meant of Widows-Tenants, in dower of Lands holden of the King, by Knights-ſervice in Chief; and thereupon, ſhe is called the King's-Widow. And if ſhe marry without Licenſe, ſhe ſhall pay a Fine of the Value of her Dower, by one Year.

The Reaſon is, *Ne fortè capitalibus inimicis Domini Regis maritentur:* Old Readers ſay this, leſt marrying Strangers, the Treaſure of the Realm might be carried out: Others, that becauſe upon the Aſſignment of her Dower, ſhe is ſworn in Chancery, that ſhe ſhall not marry without Licenſe; and therefore, if ſhe doth, contrary to her Oath, ſhe ſhall pay a Fine. Others, that it is a Contempt, to marry without the King's Licenſe, and againſt this Statute.

have

have a Mind to live without a Husband: But yet ye shall find Surety, that she shall not marry without our License and Assent, if she hold of us; nor without the Assent of the Lord, if she hold of another. *Prerogativa Regis*, cap. 4. *Stat.* 20. *H.* 3. 1.

Chap. 8. But we, or our *(k)* Bailiffs, shall not *(l)* seize any Land or *(m)* Rent for any Debt, so long as the present Goods and Chattles of the Debtor, shall be sufficient to pay the Debt, and the Debtor himself be ready to satisfy therefore. Neither shall the *(n)* Pledges of the Debtor be distrained, so long as the principal Debtor be sufficient for the Payment of the Debt: And if the principal Debtor fail in the Payment of the Debt, not having wherewithal to pay, or will not pay where he is able, the Pledges shall answer for the Debt; and if they *(o)* will, they shall have the Lands, and Rents of the Debtor, until they be satisfied of that Debt, which they before paid for him: Unless the principal Debtor can shew himself acquitted against the said Sureties. See Cap. 18. 33. *H.* 8. c. 39.

Chap. 9. The City of *London* shall have all the old Liberties and Customs, which it hath been used to have *(p)*. Moreover,

(k) The Sheriff, and his under Bailiffs.

(l) By Order of common Law, the King, for his Debt, had Execution of the Body, Lands, and Goods of the Debtor: This is an Act of Grace, and restrains the Power the King had before.

(m) For Rents, see the first *Instit. lit.* lib. 2: cap. 12. To which add, 1. Rents of Assize, which are the certain Rents of Freeholders, and antient Copyholders; because they be assized and certain, and distinguished from Farm-Rents for Life, Years, or at Will, variable, and incertain. 2. White Rents, or commonly called Quit-Rents, because paid in Silver. 3. Black Mail, or Black Rents, to distinguish them from White Rents. 4. *Redditus Resoluti*, Rents issuing out of the Manors, &c. to other Lords, &c. Fee-Farm. For this kind of Rent, see *Glocest.* cap 8.

(n) As Pledges, or Sureties to keep the Peace. Pledges for a Fine to the King, upon a Contempt, &c. are within this Branch: But otherwise, of Mainpernors; as appears by *Glanvil*, to be common Law, before this Act.

(o) It appeared by *Glanvil*, that this was the common Law. Lib. 10. cap. 4. & 5.

(p) The Mirror says, c. 5. §. 2. This Chapter is thus interpretable,

Moreover, we will, and grant, that all other Cities, Boroughs, Towns, and the Barons of the Cinque-Ports, and all other Ports, ſhall have all their Liberties, and Free-Cuſtoms. *Articuli ſuper Chartas*, c. 7. 3. *Bulſtrode*. 2. *Cro. Car*. 251.

Chap. 10. No *(q)* Man ſhall be deſtrained to do more Service for a Knight's Fee, nor for any Freehold, than therefore is due.

Chap. 11. *(r)* Common-Pleas ſhall not follow our Court;

terpretable, *viz*. That the Citizens have their Franchiſes, of which they are inherited by a lawful Title, from the Gifts and Confirmations of Kings; and which they have never forfeited by any Abuſe: And that they have their Franchiſes and Cuſtoms, which are ſufferable by Right, and not contrary to Law. And this Interpretation of *London*, it to be underſtood of the Cinque-Ports, and other Places. This agrees with our latter Books.

Maxim. A Man cannot claim any Thing by Cuſtom or Preſcription, againſt a Statute, unleſs the Cuſtom or Preſcription be ſaved by another Statute. For example: They of *London*, claim by Cuſtom, to give Lands without Licenſe, to Mortmain; becauſe this Cuſtom is ſaved and preſerved, not only by this Chapter of Magna Charta, but by divers other Statutes: And ſo of the reſt. See more of *London* in the fourth *Inſtit*. c. Of the Courts of the City of *London*.

(q) This was the ancient Law of *England*: *Glenvil*. lib. 12. cap. 9, 10.

If Incroachments be made upon a Tenant in Tail, or for Life, or any other, who cannot maintain a Writ of *Nè Injuſtè vexes*, nor a *contra formam Collationis*, nor other Remedy; he ſhall have an Action upon this Statute: For it intended to relieve thoſe, that had no Remedy by the common Law.

(r) Before this Statute, Common-Pleas might be held in the King's-Bench; and all original Writs returnable into the ſame Bench: And becauſe the Court was held *Coram Rege*, and followed the King's Court, and removed at the King's Will, the Returns were *ubicunque fuerimus*, &c. whereupon many Diſcontinuances enſued, great Trouble of Jurors, Charges of Parties, and Delay of Juſtice: Wherefore this Statute was made.

There are Pleas of the Crown, which are called otherwiſe, and aptly, criminal and mortal Pleas; and Common-Pleas, aptly called Civil. Theſe latter are divided into real, perſonal, and mixt: They are not called Common-Pleas, becauſe held by common Perſons; for the King may be party to a common Plea, as to a *Quare Impedit*, or the like.

but

but ſhall be holden in ſome Place certain. *Articula ſuper Chartas*, c. 7. *Reg.* fo. 187. *V. N. B.* 137. *St.* 28. *E.* 1. 4. *Co. Inſtit.* 4. *Part.* 99. *Mirror.* 311. 11. *Co.* 75. 2. *Bulſtrode.* 123.

Chap. 12. Aſſizes of *Novel-Diſſeiſi*, and of *Mortdanceſtor*, ſhall not be taken, but *(s)* in the Shires, and after this Manner: If we be out of this Realm, *(t)* our chief Juſticers ſhall ſend our Juſticers through every County, once in the Year; who, with the Knights of the Shires, ſhall take the ſaid Aſſizes in thoſe Counties: And thoſe Things, that at the coming of our aforeſaid Juſticers, being ſent to take thoſe Aſſizes in the Counties, cannot be determined, ſhall be ended by them in *(u)* ſome other Place, in their Circuit. And thoſe Things, which

(s) This greatly eaſes the Jurors, and ſaves the Charges of Parties and Time, ſo that they might follow their proper Occaſions. It is a great Benefit to the Subject, to have Juſtice done him at home, in his own Country.

For theſe Writs, ſee 1. *Inſtit.* §. 234.

If an Aſſize be taken *in propria comitatu*, and the Tenant plead, and after the Aſſize is diſcontinued by the *non Venu* of the Juſtices; this Act extends to the Aſſize, but not to a Reattachment thereupon; for that the Aſſize was firſt arraigned, and examined in the proper County.

This Act extends not to a Writ of Attaint, brought upon the Verdict of the Recognitors of the Aſſize. And with this *Briton* agrees, c. 97. f. 240.

(t) This chief Juſticer, when the King is out of the Realm, is thus deſcribed by *Ockham*, *Rege extra Regnum agente, brevia dirigebantur ſub nomine preſidentis Juſticiarii, & Teſtimonio ejuſdem.* He is conſtituted by Letters Patents, to be *Cuſtos ſive Gardianus Regni*; and for his Time, is *Prorex:* Such as was *Edward*, Duke of *Cornwal*, 13. *E.* 3. *&c.* And this Statute is intended of ſuch a Lieutenant, or Keeper of the Kingdom: For it is ſaid, they ſhall name, and ſend Juſtices by Authority under the great Seal, under their own *Teſte*; which none can do but the King himſelf, if he be preſent, or his Keeper, *&c.* if, as this Act ſays, he be *extra Regnum.* And this Lieutenant, or Keeper of the Kingdom, was called *Capitalis Juſticiarius*, before this Act. *Glan.* l. 12. c. 25.

(u) This is taken largely and beneficially; for they may not only make Adjournment before the ſame Juſtices, in their Circuit; but alſo to *Weſtminſter*, or *Serjeants Inn*, or any other Place out of their Circuit, by the Equity of this Statute.

Though

which for the Difficulty of ſome Articles, cannot be determined by them, ſhall be referred to the Juſticers of the Bench, and there ſhall be ended. *Reg.* fol. 197. *Stat.* 13. *E.* 1. 30.

Chap. 13. Aſſizes of Darreine Preſentment ſhall be always taken before our Juſticers of the Bench, *(x)* and there ſhall be determined. *Reg.* fol. 30. *Sta.* 13. *E.* 1. 30.

Chap. 14. *(y)* A Free Man ſhall not be *(z)* amerced for a ſmall Fault, but after the Manner of the Fault; and for a great Fault, according to the greatneſs of the Fault, *(a)* ſaving to him his Contenement; and a Merchant likewiſe, ſaving to him his *(b)* Merchandize: and any other *(c)* Villein than ours, ſhall be in like Manner amerced, ſaving his *(d)*, if he fall into our Mercy. And none of the aforeſaid Amercements ſhall be aſſeſſed, but by the Oath of honeſt and lawful Men, of the Vicinage.

Though the Statute only ſpeaks of an Adjournment in an Aſſize of *Novel Diſſeiſin*, &c. yet a Certificate of an Aſſize is within this Statute.

(x) By *W.* 2. 'tis provided, that Juſtices of *Niſi prius*, may give Judgment in an Aſſize of Darreine Preſentment, and *Quare Impedit*.

(y) Here he is taken for a Freeholder. This *Liber homo* extends as well to ſole Corporations, as Biſhops, *&c.* as to Laymen: But not to Corporations aggregate of many; as Mayor, and Commonalty, and the like: For they can't come under theſe Words, *Liber homo*, &c.

(z) This Act extends not to Fines impoſed by any Court of Juſtice: This Statute in ſome Caſes of Amerciaments, is to be intended of private Men, and not of Amerciament of Officers, or Miniſters of Juſtice.

(a) Contenement, ſignifies his Countenance; which he hath together with, and by Reaſon of his Freehold: And in this Senſe, the Statute of 1. *E.* 3. c. 4. *Stat.* 2. and *Old. Nat. Brev.* uſe it. Where Countenance is uſed for Contenement, the Armour of a Soldier, and the Books of a Scholar, are their Countenances.

(b) For Trade and Traffick is his Livelihood, and the Life of the Common-wealth; wherein the King, and every Subject hath Intereſt.

(c) Villein here is taken for a Bond-man, *Nativus de Sanguine*, or *Servus*. A *Villein* is free to ſue, or be ſued, by, and againſt all Men, ſaving his Lord.

(d) Wainage is the Countenance of a *Villein*; but yet the Lord may take it at his Pleaſure.

Earls

Earls and Barons ſhall not be amerced, but by their Peers, and according to the Manner of their Offence. No eccleſiaſtical Perſon ſhall be amerced after the Quantity of his eccleſiaſtical *(e)* Benefice; but after his Lay-Tenement, and after the Quantity of his Offence.

Chap. 15. No Town, nor Freemen, ſhall be diſtrained to make Bridges, nor *(f)* Banks; but ſuch as of old Time, and of right have been accuſtomed to make them in the Time of King *Henry*, our Grandfather.

Chap. 16. No Banks ſhall be defended from henceforth, but ſuch as were in Defence, in the Time of King *Henry*, our Grandfather, by the ſame Places; and the ſame Bounds, as they were wont to be in his Time *(g)*.

Chap. 17. No Sheriff, *(h)* Conſtable, Eſcheator, *(i)* Coroner,

(e) Beneſice] is a large Word, and taken for any eccleſiaſtical Promotion, or ſpiritual Living whatſoever.

Here's a great Privilege of the Church, that if an eccleſiaſtical Perſon be amerced, (though Amercements belong to the King) yet he ſhall not be amerced, but only in reſpect of his Lay-Fee; not of his ſpiritual Promotion, or Benefice.

(f) Bank is here the *Extrema & eminentior terræ ora, quam fluvius utrinque alluit.*

(g) This Statute the Mirror ſays, cap. 5. §. 2. is now out of uſe.

(h) Is here taken for Conſtable of a Caſtle, from the Word *Caſtellanus*; and *Caſtellani* were Men in antient Times, of Account and Authority; and for Pleas of the Crown, *&c.* had the like Authority within their Precincts, as the Sheriff had within his Bailywick, before this Act: and they commonly ſealed with their Portraiture on Horſeback. Regularly every Caſtle contains a Manor, ſo that every Conſtable of a Caſtle, is Conſtable of a Manor.

(i) He is called ſo, becauſe he is an Officer of the Crown, and hath Cognizance of ſome Pleas; which are called *Placita Coronæ.*

By the antient Law, he ought to be a Knight; honeſt, loyal, and ſage: *Et qui melius ſciat, & poſſit officio illi intendere.*

If you aſk, what Authority he had? The ſame he hath now, in caſe when any Man comes to a violent or untimely Death: *Super viſum corporis*, &c. Abjurations and Outlawries, *&c.* Appeals of Death by Bill, *&c.* This Authority of the Coroner, *viz.* the Coroner ſolely to take an Indictment, *Super viſum corporis*; and to take an Appeal, and to enter the Appeal: But he can proceed no further, either upon the Indictment, or the

roner, nor *(d)* any other our Bailiffs, ſhall hold Pleas of our Crown. Mirror, 313.

Chap. 18. If any that holds of us Lay-Fee, do die, and our Sheriff, or Bailiff, do ſhew our Letters-Patents of our Summons for Debt, which the Defunct did owe to us: It ſhall be lawful to our Sheriff, or Bailiff, to attach and inroll all the Goods and Chattles of the Defunct, being found in the ſaid Fee, to the Value of the ſame Debt, by the Sight and Teſtimony of lawful Men; ſo that nothing thereof ſhall be taken away, until we be clearly paid off the Debt. And the Reſidue ſhall remain to the Executors, to perform the Teſtament of the Defunct. And if nothing be owing to us, all the Chattles ſhall go the Uſe of the Defunct; *(e)* ſaving to his Wife, and Children, their reaſonable Parts. *Stat.* 33. *H.* 8. c. 39.

Chap. 19. No Conſtable or his Bailiff, ſhall take Corn, or other Chattles, of any Man, if the Man be not of the Town where the Caſtle is; but he ſhall forthwith pay for the ſame, unleſs the will of the Seller was to reſpite the Payment: And if he be of the ſame Town, the Price ſhall be paid to him within forty Days *(f)*.

Chap. 20. No Conſtable ſhall deſtrain any Knight, for to give Money for keeping of his Caſtle, if he himſelf will do it in his proper Perſon, or cauſe it to be done by ano-

the Appeal, but to deliver them over to the Juſtices. And for the further Authority of the Coroner in High Treaſon, ſee 19. *H.* 6. fo. 47, and conſider well thereof.

(d) By theſe Words is comprehended all Judges, or Juſtices of any Courts of Juſtice.

(e) The Adminiſtrators of a Man that dies inteſtate, or Executors of any that make no Diſpoſal of his whole perſonal Eſtate, Goods, Debts, and Chattles; the Adminiſtrators, or Executors, after the Debts paid, and Will performed, ought not to take any Thing to his or their Uſe; but ought, though there be no particular Cuſtom, to divide them, according to this Act: For this Right doth this Statute ſave by theſe Words, Saving to his Wife and Children their reaſonable Parts. And the Adminiſtrators ſhall be allowed of this Diſtribution, according to the Statute upon this Account, before the Ordinary.

(f) Here alſo, Conſtable is taken for *Caſtellanus*. No Purveyance ſhall be taken, but only for the King's and Queen's Houſes; and for no other: So that, this Grievance is by this Act taken away.

ther

ther ſufficient Man, if he may not do it himſelf for a reaſonable Cauſe. And if we do lead, or ſend him in an Army, he ſhall be free from Caſtle-Guard, for the Time that he ſhall be with us, in Fee in our Hoſt; for the which he hath done Service in our Wars *(g)*.

Chap. 21. No Sheriff, nor Bailiff of ours, or any other, ſhall take the Horſes or Carts of any Man, to make Carriage, unleſs he pay the old Price limited; that is to ſay, for Carriage with two Horſes, Ten-pence a Day; for three Horſes, Fourteen-pence a Day. No Demeſne Cart of any eccleſiaſtical Perſon, or Knight, or any Lord, ſhall be taken by our Bailiffs: Nor we, nor our Bailiffs, nor any other, ſhall take any Man's Wood for our Caſtles, or other our Neceſſaries to be done; but by the Licence of him *(h)*, whoſe the Wood is. *Stat.* 14. *E.* 3. 19. *Stat.* 25. *E.* 3. 6. *Stat.* 13. ca. 2. 8.

Chap. 22. *(i)* We will not hold the Lands of them that be *(k)* convict of Felony, but one Year and one Day; and then thoſe Lands ſhall be delivered to the Lords of the Fee. *O. N. B.* f. 99. Mirror, 313.

(g) Here Conſtable is in the former Senſe. See 1 *Inſtit.* §. 96.

This Act is declaratory of the common Law: For, firſt, That he that held by Caſtle-Guard, that is, to keep a Tower, or a Gate, or ſuch like of a Caſtle, in time of War, might do it either by himſelf, or by any other ſufficient Perſon for him, and in his Place. Some hold by ſuch Services, that they cannot do it in Perſon, as Mayor and Commonalty, Dean and Chapter, *&c.* Infants being Purchaſers, *&c.* Therefore they might make a Deputy, by Order of the common Law.

Secondly, If ſuch a Tenant be, by the King, led, or ſent to his Hoſt, in the Time of War, the Tenant is excuſed, and quit of his Service for keeping the Caſtle, either by himſelf or another, during the Time that he ſo ſerve the King in his Hoſt: For, when the King commands his Service in the Hoſt, he diſpenſes with that, by Reaſon of his Tenure; for one Man cannot ſerve in Perſon, in two Places.

(h) The common Law hath ſo admeaſured the Prerogative of the King, as he cannot take, nor prejudice the Inheritance of any Man; and a Man hath an Inheritance in his Woods.

(i) This is to be underſtood, when a Tenant in Fee-ſimple is attainted; for where Tenant in Tail, or for Life, is attainted, there the King ſhall have the Profits of the Land, during the Life of Tenant in Tail, or of the Tenant for Life.

(k) Here convict is taken for attainted.

Chap. 23. All *(k)* Weares from henceforth, ſhall be utterly put down by Thames and Medway, throughout all *England*, but only by the Sea-coaſt. *Stat.* 12. *E.* 4. 7.

Chap. 24. The Writ that is called *Præcipe in Capite*, ſhall be from henceforth granted to no Perſon of any Freehold, whereby any Freeman may loſe his Court. *O. N. B.* fol. 12. *Fitz. N. B.* f. 5. f. 39. h.

Chap. 25. One Meaſure of Wine ſhall be through our Realm, and one Meaſure of Ale, and one Meaſure of Corn; that is to ſay, the Quarter of *London:* And one Breath of dyed Cloth, Ruſſets, and Haberjects; that is to ſay, two Yards within the Liſts. And it ſhall be of Weights, as it is of Meaſures *(l)*. *Stat.* 14. *E.* 3. 12. *Stat.* 27. *E.* 3. 10. *Stat.* 8. *H.* 6. 5. 11. *H.* 7. 4. 1. *Stat.* 17. *Car.* 1. c. 19.

Chap. 26. Nothing from henceforth ſhall be given for a Writ of Inquiſition, nor taken of him that prayeth Inquiſition of Life, or of Member *(m)* but it ſhall be granted freely, and not denied. *Stat.* 3. *E.* 1. 11. *Stat.* 13. *E.* 1. 29. *Reg.* fol. 133, 134. *Mirror*, 314.

Chap. 27. If any do hold of us by *(n)* Fee-Farm, or by Soccage

(k) The *Latin* Word is *Kidelli*, Kidells, which is a proper Word for open Weares, whereby Fiſh are caught.

And *Glanvil* ſays, this Pourpreſture was forbidden by the common Law.

(l) This, that there ſhould be one Meaſure, and one Weight through *England*, is grounded upon the Law of God, *Deut.* 25. 13, 14. And this by Parliament hath often been enacted, but could never be effected: ſo forceſſive is Cuſtom concerning Multitudes, when it hath gotten an Head.

For the Breadth and Length of Cloth, ſee many Statutes made after this Act.

(m) This is the Writ *de Odio & atia*, antiently called *breve de Bono & Malo*, and here of Life and Member, which the common Law gave to a Man impriſoned, though for the moſt odious Cauſe, for the Death of a Man, for the which without the King's Writ he could not be bailed; yet the Law favouring the Liberty of a Man from Impriſonment, and that he ſhould not be kept in Priſon, till the Juſtices in Eyre ſhould come, at which Time he was to be tried, he might ſue out this Writ of Inquiſition directed to the Sheriff.

(n) Fee-Farm properly is, when the Lord, upon the Creation of the Tenancy, reſerves to himſelf, and his Heirs, either the

Soccage *(o)*, or *(p)* Burgage, and he holdeth Lands of another by Knight's Service; we will not have the Cuſtody of his Heir, nor of his Land, which is holden of the Fee of another, by Reaſon of that Fee-Farm, or Soccage, or Burgage. Neither will we have the Cuſtody of ſuch Fee-Farm, Soccage, or Burgage, except Knight's-Service be due unto us out of the ſame Farm. We will not have the Cuſtody of the Heir, or of any Land, which he holdeth of another by Knight's Service, by Occaſion of any Petit-Serjeantry, that any Man holdeth of us by Service, to pay a Rent, an Arrow, or the like. *Rep.* 12. *Car.* 2. c. 24.

Chap. 28. No *(q)* Bailiff from henceforth ſhall put any Man to his open Law, nor to an Oath, upon his own *(r)* bare ſaying, without faithful Witneſſes brought in for the ſame.

the Rent, for which it was let before to Farm, or, at leaſt, a fourth Part of that Farm-Rent. But

Britton ſays, that Fee-Farms are Lands held in Fee, to render for them yearly the true Value, either more, or leſs: And is called a Fee-Farm, becauſe a Farm-Rent is reſerved upon a Grant in Fee. And regularly, as it appears by this Act, Lands granted in Fee-farm are holden in Soccage, unleſs an expreſs Tenure by Knights-ſervice be reſerved.

(o) Soccage is the Service of the Plough and Cart. *Co. Lit.* §. 117.

(p) Burgage, ſignifieth the Service whereby the Borough is holden. *Co. Lit.* §. 162.

This Act, as well concerning Tenures in Fee-Farm, Soccage, and Burgage, as by petit Serjeantry, is declaratory of the common Law, and in conſtant Uſe to this Day. *Glanvil. lib.* 7. *cap* 9.

(q) By this it appears, that under this Word Bailiff, in this Act, is comprehended every Juſtice, Miniſter of the King, Steward, and Bailiff.

(r) Every Wager of Law countervails a Jury, for the Defendant ſhall make his Law *De duodecima manu*, viz. an Eleven, and himſelf.

The Party himſelf, when he maketh his Law, ſhall be ſworn *de fidelitate*, that is directly, or abſolutely, and the others, *de Credulitate*, that they believe, that he ſaith true.

To make his Law, is as much as to ſay, to take his Oath, &c. and it is ſo called, becauſe the Law gives him that means by his own Oath to free himſelf.

Ch. 29. No *(s)* Freemen ſhall be *(t)* taken, or impriſoned, or *(u)* diſſeiſed of his Freehold, or *(x)* Liberties, or *(y)* Free-Cuſtoms; or be *(z)* out-lawed, or *(a)* exiled, or any otherwiſe *(b)* deſtroyed: Neither will we paſs upon him, nor put him into Priſon, nor condemn him, but by *(c)* lawful Judgement of his Peers, or by the *(d)* Law of the Land. *(e)* We will ſell to no Man, we will not deny, or defer to any Man, either Juſtice or Right. *Stat.* 2. *E.* 3. and *Stat.* 5. *E.* 3, & 9. *Stat.* 14. *E.* 3. 14. 28. *E.* 3. 3. *Stat.* 11. *R.* 2. 10. 17. *Car.* 1. 10. *Stat.* 37. *E.* 3. 18. *Stat.* 4. *H.* 7. 12. *In fine.*

(s) This extends to Villeins, ſaving againſt their Lord.

Albeit *homo* extends to both Sexes, yet by Act of Parliament it is enacted and declared, that this Chapter ſhould extend to Dutcheſſes, Counteſſes, and Baroneſſes; but Marchioneſſes, and Viſcounteſſes are omitted; but, however are comprehended.

(t) Taken or impriſoned.] Attached and arreſted are comprehended herein.—*Taken:* That is reſtrained of Liberty, by Petition, or Suggeſtion to the King, or his Council, unleſs by Indictment, or Preſentment of Good and lawful Men, where ſuch Deeds be done.

(u) Diſſeiſed. i. e. Lands, Tenements, Goods, and Chattels ſhall not be ſeized into the King's Hands, contrary to this great Charter, and the Law of the Land; nor any diſſeiſed of his Lands or Tenements, or diſpoſſeſt of his Goods or Chattels, contrary to the Law of Land.

(x) Liberties hath three Significations.

1. The Laws of the Realm, in which Reſpect, this Charter is called *Charta Libertatum.*

2. The Freedom that the Subjects of *England* have.

3. Signify, the Franchiſes and Privileges, which the Subjects have from the Gift of the King; as the Goods and Chattels of Felons, Out-laws, and the like; or which the Subject Claims by Preſcription, as Wreck, Waif, Stray, and the like.

Generally, all *Monopolies* are againſt this *great Charter*, becauſe againſt the Liberty and Freedom of the Subject, and againſt the Law of the Land.

(y) Of Cuſtoms, ſome are general, and ſome particular: Which ſee in 1. *Inſtit.* and Free is added, for that the Cuſtoms of *England* bring a Freedom with them.

(z) Out-lawed.] i. e. Barred to have the Benefit of the Law.

(a) By the Law, *&c.* none can be exiled, or baniſhed out of his native Country, but either by Parliament, or in caſe of Abjuration for Felony, by the common Law.

This

This beneficial Law, is conſtrued benignly; and therefore, the King cannot ſend any Subject out of *England*, againſt his Will, to ſerve him out of this Realm; for that he ſhould be an Exile, and he ſhould *perdere Patriam*; no, not into *Ireland*, againſt his Will, to ſerve him as his Deputy.

(b) Deſtroyed] i. e. Fore-judged of Life, or Limb, diſherited or put to Torture, or Death.

Every Oppreſſion againſt Law, by Colour of any uſurped Authority, is a Kind of Deſtruction; and it is the worſt Oppreſſion, that is done by Colour of Juſtice.

Any otherwiſe deſtroyed.] Therefore all Things, by any Manner of Means, tending to Deſtruction, are prohibited.

(c) Only a Lord of Parliament of *England*, ſhall be tried by his Peers, being Lords of Parliament: And neither Noblemen of any other Country, nor others that are called Lords, and are no Lords of Parliament, are accounted Peers, within this Statute.

Peers, or *Equals.*] This is to be underſtood of the King's Suit.

If a Nobleman be indicted for murder, he ſhall be tried by his Peers: But if an Appeal be brought againſt him, which is at the Suit of the Party, there he ſhall be tried by an ordinary Jury of twelve Men, for two Reaſons. 1. Becauſe the Appeal can't be brought before the Lord High Steward of *England*, who is the only Judge of Noblemen, in caſe of Treaſon, or Felony. 2. This Statute extends only to the King's Suit; and that in caſe of Treaſon or Felony, or of Miſpriſion of either; or being acceſſory to Felony before, or after, and not to any other inferior Offence: It extends to the Trial itſelf, whereby he is to be convicted. A Peer of the Realm may be indicted of Treaſon, or Felony, before Commiſſioners of *Oyer* and *Terminer*; or in the King's Bench, if the Treaſon of Felony be committed in the County, where the King's Bench ſits. He may be alſo indicted of Murder, or Man-ſlaughter, before the Coroner, *&c.*

If a Nobleman be indicted, and can't be found, Proceſs of Out-lawry ſhall be awarded againſt him, *per Legem Terræ*; and he ſhall be out lawed, *per Judicium Coronatorum*; but tried, *per Judicium parium ſuorum*, when he appears, and pleads to iſſue.

By lawful Judgment.] Here three Things are implied.

Firſt, This Manner of Trial was by Law, before this Statute.

Secondly, That their Verdict muſt be legally given: As,

1. The Lords ought to hear no Evidence, but in the Preſence and Hearing of the Priſoner.

2. When they are gone together to conſider of the Evidence, they can't ſend to the High-Steward, to aſk the Judges any

Queſtions of Law, but in the Priſoner's hearing: Neither can they, when they are gone together, ſend for the Judges, to know any Opinion in Law; but the High-Steward ought to demand it in Court, in the Priſoner's hearing.

Thirdly, When all the Evidence is given by the King's Council, the High-Steward cannot collect the Evidence againſt the Priſoner, or in any Sort confer with the Lords, touching their Evidence, in the Priſoner's Abſence; but he ought to be called to it.

It is called the Judgment, and not Verdict, of his Peers; becauſe the Noblemen, returned and charged, are not ſworn, but give their Judgment upon their Honour and Ligeance to the King.

(d) The Law of the Land.] For the true Senſe of theſe Words, ſee the *Stat.* 37. *E.* 3. c. 8. where they are rendered, without due Proceſs of Law. This Chapter is but declaratory of the old Law of *England.*

By the Law of the Land;] That is, the Law of *England:* Neither *Lex Regis Angliæ*, leſt it might be thought to bind the King only; nor *Lex Populi Angliæ*, leſt to bind them only: But that it might extend to all, it is ſaid, *Lex Angliæ.*

The Proceſs of Law is two-fold; *viz.* by the King's Writ, or by due Proceeding and Warrant, either in Deed, or in Law, without Writ.

In what caſes a Man by the Law of the Land may be taken, arreſted, attached, or impriſoned in caſe of Treaſon or Felony, before Preſentment, Indictment, *&c.* ſee the Book fol. 51, 52. and ſeeing none can be taken, *&c.* but by due Proceſs of Law according to the Law of the Land, theſe Concluſions hereupon do follow.

1. That a Commitment by Warrant, either in Deed, or in Law, is accounted due Proceſs of Law, and by the Law of the Land, as well as by Proceſs by force of the King's Writ.

2. That he, or they, which do commit, have lawful Authority.

3. That his Warrant, or Mittimus be lawful, in writing, under his Hand and Seal.

4. The Cauſe muſt be contained in the Warrant, as for Treaſon, Felony, *&c.* otherwiſe if no Cauſe be, and the Priſoner eſcape, it is no Offence at all: Whereas if it be contained, the Eſcape were Treaſon or Felony, though he were not guilty of the Offence.

5. It ought to have a lawful Concluſion, *viz.* and him ſafely to keep until he be delivered by Law, *&c.* and not until the Party committing doth further order.

Impriſonment does not only extend to falſe Impriſonment and unjuſt; but for detaining the Priſoner longer than he ought, where at firſt he was lawfully impriſoned.

All

All Commiſſions conſonant to this Act, are ſaid to be *ſecundum Legem & Conſuetudinem Angliæ*.

No Man is to be arreſted or impriſoned contrary to the Form of this great Charter.

If a Man be impriſoned contrary to the Law of the Land, he hath theſe Remedies.

1. Every Act of Parliament made againſt Injuries, *&c.* doth either expreſly, or impliedly, give a Remedy to the Party wronged, as in many of the Chapters of this great Charter appears, and therefore he may have an Account grounded upon this great Charter.

2. He may cauſe him to be indicted upon this Statute at the King's Suit.

3. He may have an *Habeas Corpus* out of the King's-Bench or Chancery, though there be no Privilege, *&c.* or in the Common-Pleas, or Exchequer, for any Officer or privileged Priſoner there.

4. He may have an Action of falſe Impriſonment.

5. He may have a Writ *de homine replegiando*.

6. He might by the common Law have had a Writ *de odio & atia*, as you may ſee in Chap. 26. but that was taken away by Statute, but now is revived again by Statute. 42. *E.* 3. Cap. 1.

(e) We will ſell to no Man.] This is ſpoke in the Perſon of the King, who in Judgment of Law, in all his Courts of Juſtice is preſent, and repeating theſe Words, *Nulli vendemus*, &c.

And therefore every Subject of this Realm, for Injury done to him *in bonis, terris, vel perſona*, by another Subject whomſoever, may take his Remedy by Courſe of Law, and may have Juſtice for the Injury done to him, freely without Sale, fully without any Denial, and ſpeedily without Delay; theſe three Qualities make it juſtice and right.

We will not deny, or defer to any Man, &c.] By no Means muſt common Right, or common Law, be diſturbed or delayed; no, though commanded under the great Seal, or privy Seal, Order, Writ, Letters, Meſſage, or Command whatſoever, either from the King, or any other.

For the Law is the ſureſt Sanctuary a Man can take, and the ſtrongeſt Fortreſs to protect the weakeſt of all. But the King may ſtay his own Suit, as a *capias pro fine*, for he may reſpite his Fine, or the like.

All Protections not legal, that appear not in the Regiſter, nor warranted by our Books, are expreſly againſt this Branch, we will not defer to any Man.

Juſtice or Right.] Neither the End, which is Juſtice, nor the mean, whereby we may attain to the End, and that is the Law. Right is taken here for Law, as *Jus* is often ſo called.

Chap. 30. All Merchants, unleſs they were openly prohibited before, ſhall have their ſafe and ſure Conduct, to depart out of, and to come into *England*, and to tarry in, and go through *England*, as well by Land, as by Water; to buy and ſell, without any Manner of evil Tolls, by the old and rightful Cuſtoms, unleſs in Time of War. And if they be of a Land making War againſt us, and be found in our Realm at the Beginning of the Wars, they ſhall be attached without harm of their Bodies or Goods; until it be known unto us, or our Chief Juſtice, how our Merchants be treated there, in the Land making War againſt us. And if ours be ſafe there, theirs ſhall be ſo with us *(f)*. *Stat.* 9. *E.* 3. 1. 14. *E.* 3. 22. *Seſſ.* 25. *E.* 31. 2. 2. *R.* 2. 1. 11. *R.* 2. 7. Chap.

1. Becauſe it is the right Line, whereby Juſtice diſtributive is guided and directed; and therefore all Commiſſions of Oyer and Terminer, of Gaol delivery, of the Peace, *&c.* have this Clauſe, *facturi quod ad juſtitiam pertinet ſecundum legem & conſuetudinem Angliæ*, you ſhall do Juſtice and Right, according to the Rule of the Law, and Cuſtom of *England*.

2. Becauſe the Law diſcovers that which is crooked, or wrong, *Recta linea eſt Index ſui, & obliqui*.

3. It is called Right, becauſe it is the beſt Birth-Right the Subject hath; for thereby his Goods, Lands, Wife, Children, Body, Life, Honours and Eſtimation, are protected from Injury and Wrong.

4. It is taken for Right itſelf, that a Man hath by Law to Land, as in a *breve de recto*.

(f) This Chapter concerns Merchant-Strangers. And,

The End of it was for promoting Trade and Traffick.

Tolls.] Signify any Manner of Cuſtom, Subſidy, Preſtation, Impoſition, or Sum of Money demanded for exporting or importing of any Wares, or Merchandizes to be taken of the Buyer.

Evil Tolls.] When the Thing demanded for Wares, do ſo burthen the Commonalty, as the Merchant can't have a convenient Gain by trading therewith, and thereby the Trade itſelf is loſt or hindered.

Cuſtom hath all theſe Significations, 1. The common Law. 2d. Statute-Law. 3. Particular Cuſtoms, as Gavel-kind, *&c.* 4th. Rents, Services, *&c.* due to the Lord. 5th. Cuſtoms, Tributes, or Impoſitions. 6th. Subſidies, or Cuſtoms granted by common Conſent. *i. e.* Authority of Parliament, *pro bono publico*; and theſe are the antient and rightful Cuſtoms intended by this Act.

It

Chap. 31. If any Man hold of any Eſcheat, as of the Honour of *Wallingford*, *Nottingham*, *Boloign*, or of any other Eſcheats, which be in our Hands, and are Baronies, and die; his Heir ſhall give no other Relief, nor do no other Service to us, than he ſhould to the Baron, if it were in the Baron's Hands. And we, in the ſame Manner, ſhall hold it, as the Baron held it: Neither ſhall we have, by Occaſion of any Barony or Eſcheat, any Eſcheat, or keeping of any of our Men, unleſs he that held the Barony, or Eſcheat, otherwiſe held of us in Chief *(g)*. *Regiſter*, fol. 184. *Stat.* 1. *E.* 3. 13. *Stat.* 1. *E.* 6. 4.

Chap. 32. No Freeman from henceforth, ſhall give or ſell any more of his Land, than that of the Reſidue of the Lands, the Lord of the Fee may have the Services due to him, which belongeth to the Fee. *Stat.* 18. *E.* 1. *Quia emptores terrarum.* *Mirror*, 316.

Chap. 33. All Patrons of Abbies, who have the King's Charters of *England* of Advowſon, or have old Tenure or Poſſeſſion of the ſame, ſhall have the Cuſtody of them, when they ſhall fall void; as they were wont to have, as it is afore-declared, in the fifth Chapter.

Chap. 34. No Man ſhall be taken or impriſoned upon the *(h)* Appeal of a Woman, for the Death of any other, than her Huſband. *Raſt. Pla.* fol. 43.

Ch.

It hereby appears, that the King can't ſet a new Impoſt on the Merchant.

No Charge ſhall be levied on the People, if not granted in Parliament.

The Lords and Commons cannot be charged with any Thing for the Defence of the Realm, Safe-guard of the Sea, *&c.* unleſs by their Will in Parliament; that is, in grant of a Subſidy, whereunto the King aſſented.

(g) All this is meerly declaratory of the common Law; and here it appears, that he that holds of the King, muſt hold of the Perſon of the King, and not of any Honour, Barony, Manors, or Seignory: and he that holdeth of the King in Chief, muſt not only hold of his Perſon, but the Tenure muſt be created by the King, or ſome one of his Predeceſſors, Kings of this Realm, to defend his Perſon and Crown.

(h) For the Word Appeal: It ſignifies an Accuſation; and in legal Signification, is peculiarly applied to Appeals of three Sorts. 1. Of Wrong to his Anceſtor, whoſe Heir Male he is;

Chap. 35. No County-Court from henceforth ſhall be holden, but from Month to Month; and *(i)* where greater Time hath been uſed, there ſhall be greater, *(Vid. 2. E. 6. 25.)* Nor any Sheriff, nor his Bailiff, ſhall keep his Turn in the Hundred, but twice in the Year; and no where, but in a due and accuſtomed Place: That is to ſay, once after *Eaſter*; and again, after the Feaſt of St. *Michael.* And the View of Franck-Pledge, ſhall be likewiſe at the Feaſt of St. *Michael*, without Occaſion. So that, every Man may have his Liberties, which he

is; and that is only of Death. 2. Of Wrong to the Huſband; and is by the Wife, only of the Death of her Huſband, to be proſecuted. 3. Of Wrongs done to the Appellants themſelves; as Robbery, Rape, and Maihem.

At the common Law, before this Statute, a Woman, as well as a Man, might have had an Appeal of Death, of any of her Anceſtors; and therefore the Son of a Woman ſhall have an Appeal at this Day, if he be Heir at the Death of the Anceſtor; for the Son is not diſabled, but the Mother only.

A Woman at this Day, may have an Appeal of Robbery, becauſe not reſtrained.

This Writ of Appeal of the Death, *&c.* is annexed to her Widow-hood as her Quarantine is.

If ſhe marry again, her Appeal is gone, though her ſecond Huſband die within the Year; for when ſhe brings the Appeal, ſhe muſt be *Fœmina viri ſui*, upon whoſe Death ſhe brings it.

If ſhe bring the Appeal during Widow-hood, and take Huſband, the Appeal ſhall abate, and be for ever gone. 11. *H.* 4. 46.

If in her Appeal, ſhe have Judgment of Death againſt the Defendant, and after take Huſband; ſhe can never have Execution of Death againſt him.

(i) Where greater Time.] This is altered by the Statute. 2. *E.* 6. c. 25. Whereby it is provided, that no County-Court ſhall be longer deferred but one Month, from Court to Court.

By which Act, every County of *England*, concerning the Time of keeping of the County-Court, is governed by one and the ſame Law.

Twenty-eight Days is to be accounted to a legal Month, in this Caſe; and not the Kalendar-Month.

He that claims a Leet by Charter, muſt hold it at the ſame Days, which are contained in the Charter: And he that claims it by Preſcriptiou, may claim to hold it once or twice every Year, at any ſuch Days, as ſhall upon reaſonable Warning be appointed; if the Uſage has been ſo, to have been kept at uncertain Times, or otherwiſe, at ſuch certain Days and Times, as by Preſcription hath been certainly uſed.

had,

had, or uſed to have, in the Time of King *Henry*, our Grand-Father; or which he hath purchaſed ſince. *(k)* The View of Franck-Pledge ſhall be ſo done, that our Peace may be kept; and that the Trithing be kept entire, as it hath been accuſtomed; and that the *(l)* Sheriff ſeek no Occaſions; and that he be *(m)* content with that, which the Sheriff was wont to have, for the making of his View, in the Time of King *Henry*, our Grandther. See *Marlebrig.* chap. 10. *Reg.* Fol. 175. 187. *Fitz, Nat. Brev.* f. 161. *Stat.* 31. *E.* 3. 15.

Chap. 36. Neither ſhall it be lawful, from henceforth, for any, to give his Lands to any religious Houſe; and to take the ſame Lands again, to hold of the ſame Houſe.

(k) The View of Franck-Pledge, or Leet, was for two Ends:

1. That our Peace might be kept.
2. That the Trithing be kept entire.

This Franck-Pledge conſiſted moſt commonly of ten Houſeholds, which are here called *Trithingia*, i. e. *Decemvirale Collegium*, whereof the Maſters of the nine Families, who by the *Saxons* were called *Freeborgh*, i. e. free Surety, or Frank-Pledge, and the Maſter of the ten Houſhold Theothungmon; and in the Weſt at this Day Tythingman, *i. e. Capitalis Plegius*, Chief-Pledge; and theſe ten Maſters were bound one for another's Family, that each Man of their ſeveral Families ſhould ſtand to the Law; or, if not forth coming, that they ſhould anſwer for the Injury by him committed.

The Precinct of this Franck-Pledge was called *Decenna*, and every Man of the ſeveral Houſholds, *Decennarii*.

The Trithing kept intire; that is, that every particular Perſon in the Kingdom, be within ſome *Decenna* or other, ſo as he may be brought forth to ſtand to Right if he ſhall offend.

(l) By the common Law, to avoid all Extortion and Grievances of the Subject; no Sheriff, Coroner, Gaoler, or other of the King's Miniſters, ought to take any Reward for doing of his Office, but only of the King. This appears by our Books; and by *Stat. W.* 1. c. 26. and a Penalty added to the Prohibition of the common Law, by that Act.

(m) This is to be underſtood of the Profits of the Court of the *Tourne*, and ſuch only as were accuſtomed in *Henry* the Second's Time.

Note, If any be grieved contrary to the Purview of this Act, he may, for his Relief therein, have an Action upon this Statute, though no Action be expreſly given.

Nor

Nor ſhall it be lawful, for any religious Houſe to take the Lands of any, and to let it to him to hold, of whom he received it. If any from henceforth, ſhall ſo give his Land to any religious Houſe, and upon this ſhall be convict, his Gift ſhall be utterly void, and the Land ſhall fall to the Lord of the Fee. *Vide Stat. de Religioſis. Anno* 3. E. 1.

Chap. 37. Eſcuage *(n)* from henceforth, ſhall be taken, as it was wont to be in the Time of King *Henry*, our Grand-father.

Chap. 38. *(o)* Saving to all Archbiſhops, Biſhops, Abbots, Priors, Templars, Hoſpitallers, Earls, Barons, and all others, as well eccleſiaſtcal, as ſecular Perſons; all their Liberties, and free Cuſtoms, which they had before: *(p)* And all theſe Cuſtoms, and Liberties aforeſaid, which we have granted to be holden in this our Realm, (as much as appertaineth to us) we ſhall obſerve towards our Self, and our Heirs. *(q)* And all Men of this our Realm, as well ſpiritual as temporal, (as much as appertains to their Part) ſhall obſerve the ſame, towards themſelves and theirs. And for this our Gift, and Grant of theſe Liberties, and of others contained in our Charter, of the Liberties of our Foreſts; the Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, Knights, Freeholders, and all others of our Realm, have given unto us, the

(n) Eſcuage ſignifieth the Service of the Shield.

Every Tenure by Eſcuage, is a Tenure by Knight's-Service.

(o) Regularly, a Saving in an Act of Parliament enlarges not, nor extends to any new Thing; but preſerves a Right or Intereſt, that is prior to Things contained in the Act; which by the Words of the Act, might have been given away. But this Clauſe doth inlarge, and extends to all other Liberties, *&c.* which any Subject whoſoever ought to have.

But principally obſerve, that here is no *Saving* at all for the King, his Heirs and Succeſſors; to ſhew that the King, his, *&c.* againſt all Pretenſions of Evaſions; ſhould be bound by all the Branches of both this, and the other mentioned Charter of *Foreſts*.

(p) The King has obliged himſelf, and his Heirs and Succeſſors, as much as appertained to him or them, to obſerve, and keep all theſe Liberties and Cuſtoms.

(q) All the Subjects of the Realm have obliged themſelves, as much as reſpects them or theirs, to obſerve and keep them.

Fif-

Fifteenth Part *(r)* of all their Moveables. *(Vid. Stat. 7. Anno. 25. E. 3.)* We have alſo granted to them, for us, and our Heirs, that neither *(s)* we, nor our Heirs, will procure or do any Thing, whereby the Liberties contained in this Charter, ſhall be infringed or weakened. And if any Thing be procured by any Perſon contrary to this, it ſhall be of no Value, and holden for nought. Theſe being Witneſſes, *Boniface*, Archbiſhop of *Canterbury*, *E.* Biſhop of *London*, and others *(t)*. Given at *Weſtminſter*, the 10th Day of *February*, in the Ninth Year of our Reign.

The Sentence *or* Curſe *pronounced by the Biſhops againſt the Breakers of this* GREAT CHARTER.

Sentence of Excommunication.

In the Year of our Lord One Thouſand Two Hundred and Fifty-three, the 3d Day of *May*, in the great Hall of the King at *Weſtminſter*, in the Preſence and by the Aſſent of the Lord *Henry*, by the Grace of God, King of *England*, and the Lord *Richard* Earl of *Cornwall* his Brother, *Roger Bigot*, Earl of *Norfolk* and *Suffolk*, Marſhal of *England*, *Humphrey* Earl of *Hereford*, *Henry* Earl of *Oxford*, *John* Earl *Warren*, and other Eſtates of the Realm of *England*: *William Boniface*, by the Mercy of God, Archbiſhop of *Canterbury*, Primate of all *England*;

(r) This proves, as the Fifteenth was granted by Parliament, ſo was this great Charter granted by Authority of the ſame.

(s) The King granted for him, and his Heirs, never to ſeek out any Thing whereby theſe Liberties might be broken or weakened. And if by any Man, againſt this Charter, any Thing ſhould be ſought out, it ſhould be of no Value.

And all theſe Grants, are concluded with *His Teſtibus*. Thoſe that had *His Teſtibus*, were called *Chartæ*, as was this; and *Chartæ de Foreſtâ*, &c. Thoſe that had *Teſte me ipſo*, are called Letters Patents.

(t) Here be Witneſſes to this great Charter, a great Number of Reverend and Honourable Perſons; in all, Sixty-three: Of the Clergy, thirty-one, whereof twelve were Biſhops, and nineteen Abbots. And *Hugh de Burgo*, Chief Juſtice; and thirty one Earls and Barons.

Beſides it was eſtabliſhed by Authority of Parliament holden at *Weſtminſter*, in Form of a Charter: And of Acts of Parliaments, in Form of a Charter, ſee the Prince's Caſe. Lib. 8. Fol. 19.

F. of *London*, *H.* of *Ely*, *S.* of *Worceſter*, *E.* of *Lincoln*, *W.* of *Norwich*, *G.* of *Hereford*, *W.* of *Salisbury*, *W.* of *Durham*, *R.* of *Exeter*, *M.* of *Carliſle*, *W.* of *Bath*, *E.* of *Rocheſter*, *T.* of Saint *David*'s: Biſhops apparelled in Pontificals with Tapers burning, againſt the Breakers of the Churches Liberties, and of the Liberties or other Cuſtoms of the Realm of *England*, and namely of thoſe which are contained in the Charter of the common Liberties of *England*, and Charter of the Foreſt, have denounced the Sentence of Excommunication in this Form. By the Authority of Almighty God, the Father, the Son, and the Holy Ghoſt, and of the glorious Mother of God, and perpetual Virgin *Mary*, of the bleſſed Apoſtles *Peter* and *Paul*, and of all Apoſtles, and of all Martyrs, of bleſſed *Edward* King of *England*, and of all the Saints of Heaven: We excommunicate, accurſe, and from the Benefits of our Holy Mother the Church we ſequeſter all thoſe that hereafter willingly and maliciouſly deprive or ſpoil the Church of her Right: And all thoſe that by any Craft or Wilineſs do violate, break, diminiſh or change the Churches Liberties, and free Cuſtoms contained in the Charters of the common Liberties, and of the Foreſt granted by our Lord the King, to Archbiſhops, Biſhops, and other Prelates of *England*, and likewiſe to the Earls, Barons, Knights, and other Freeholders of the Realm: And all that ſecretly or openly, by Deed, Word or Council, do make Statutes, or obſerve them being made, and that bring in Cuſtoms, or keep them when they be brought in, againſt the ſaid Liberties, or any of them, the Writers, the Law-makers, Counſellors, and the Executioners of them, and all thoſe that ſhall preſume to judge againſt them. All and every which Perſons before-mentioned, that wittingly ſhall commit any of the Premiſſes, let them well know that they incur the aforeſaid ſentence *ipſo facto* (i. e. upon the Deed done.) And thoſe that commit ought ignorantly, and be admoniſhed, except they reform themſelves within fifteen Days after the Time of the Admonition, and make full Satisfaction for that they have done, at the Will of the Ordinary, ſhall be from that Time forth wrapped in the ſaid Sentence; and with the ſame Sentence we burden all thoſe that preſume to diſturb the Peace of our Sovereign Lord the King, and of the Realm.

Realm. To the perpetual Memory of which Thing, we the aforeſaid Prelates have put our Seals to theſe Preſents.

But the Conſtitution was ſtill imperfect. *Edward* I, commonly ſtiled the *Engliſh Juſtinian*, endeavoured to ſupply the Defects, both in the Statute and Common Law. This King eſtabliſhed methodical Proceedings in the Adminiſtration of Juſtice between Man and Man: And he, with the Advice of his Parliament, enacted many good Laws; made choice of upright and learned Judges to put them in Execution; and gently abrogated many bad and inconvenient Cuſtoms and Uſages, both in the ſuperior Courts, and in the Courts of the great Men, and ſubſtituted ſuch regular Methods, as by Length of Time, and Experience had of their Aptneſs and Convenience, have ſtood and been uſed ever ſince, without any great Alteration, and are now, ſays the learned Chief Juſtice *Hale*, "as it were, incorporated into and become a Part of the common Law of *England*." It was by this King alſo that Parliaments were brought into that Order, in which we ſee them at preſent, and that Knights, Citizens and Burgeſſes were made eſſential Parts of that great national Council.

Edward the Firſt, in the fifth Year of his Reign, confirms the ſaid Charters of the Liberties of *England*, and of the Foreſt, and declares, "they are to be holden for "common Law, requires that they ſhould be held in every "Point; that they ſhould be ſent under the Great Seal, "to all his Juſtices, as well of the Foreſt as others, pro- "claimed by the Sheriff of the County; and that all "Juſtices, Sheriffs, Mayors, and other Miniſters, which "under the King had the Laws to guide them, ſhould "allow the ſaid Charters in all their Points, which in "any Plea ſhall come before them in Judgment, and that "the ſaid Charters ſhould be ſent to all the Cathedrals "within the Realm: And ſhould be read twice a Year "before the People, and that the Archbiſhops, and Bi- "ſhops, ſhould denounce the Sentence of Excommunica- "tion againſt all them who, in a Word, or Deed, "did act againſt the ſaid Charters, and theſe Sentences "ſhall be pronounced, and publiſhed twice in the Year "by the ſaid Prelates.

The Charters confirmed by King Edward I.

King

King *Edward* I. *A. D.* 1300, again confirmed this *great Charter* and the *Charter* of the *Foreſt*. In which Confirmation that King further granted and declared, that Judgments given againſt the ſaid Charters ſhall be void; that Aids, Taſks, and Priſes granted to the King ſhall not be drawn into a Cuſtom: That the King ſhall take no Aids or Priſes but by the Conſent of the Realm, and for the common Profit thereof: That there ſhould be no Toll taken by the King for Wool without common Conſent and good Will, and that Excommunication ſhould be pronounced againſt the Breakers of the ſaid Charters.

Accordingly the Archbiſhop of *Canterbury*, aſſiſted by his Clergy, did immediately paſs the following Sentence of Excommunication againſt the Breakers of the Articles in *Magna Charta*, and the *Charta* of the *Foreſts*, in this Form.

Breackers of the ſaid Charters excommunicated.

"In the Name of the Father, the Son, and the Holy Ghoſt, *Amen*. Whereas our Sovereign Lord the King, to the Honour of God, and of Holy Church, and for the common Profit of the Realm, hath granted for him and his Heirs forever, theſe Articles above written; *Robert*, Archbiſhop of *Canterbury*, Primate of all *England*, admoniſheth all his Province once, twice, and thrice; becauſe that ſhortneſs will not ſuffer ſo much Delay, as to give Knowledge to all the People of *England* of theſe Preſents in Writing: We therefore enjoin all Perſons, of what Eſtate ſoever they be, that they and every of them, as much as in them is, ſhall uphold and maintain theſe Articles granted by our Sovereign Lord the King in all Points. And all thoſe that in any Point do reſiſt or break, or in any manner hereafter procure, counſel, or any ways aſſent to reſiſt or break thoſe Ordinances, or go about it, by Word, or Deed, openly, or privily, by any Manner of Pretence, or Colour: We the aforeſaid Archbiſhop by our Authority in this Writing expreſſed, do excommunicate and accurſe, and from the Body of our Lord *Jeſus Chriſt*, and from all the Company of Heaven, and from all the Sacraments of Holy Church do ſequeſter and exclude."

Matters were ſo well eſtabliſhed by theſe Means, that the People's Liberty and the Conſtitution ſuffered very little

little in the Flames of that civil War, which followed in the Conteſt between the Royal Houſes of *York* and *Lancaſter* for the Crown. In which we have many Examples to prove, that ſome on both Sides made uſe of the Cloak of Loyalty to cover their Ambition; ſiding now with one Prince, and then with another, as would beſt ſerve their private Intereſts.

Policy of King Henry VII.

This was ſo perceptible to *Henry* VII. that, after he was ſecurely fixed upon the Throne, he reſolved to remove the Danger by letting down the *Nobility*; and increaſing the Property, and conſequently the Power of the *Houſe of Commons*. He enabled the Nobles to ſell their Eſtates to gratify their exceſſive Pride and Luxury; and encouraged the Commoners to purchaſe: which was a great Encouragement to Induſtry, and a general Benefit to the Nation; whoſe Trade and Riches have been conſtantly upon the Improvement ever ſince. The only Clog upon Liberty, that now remained, was the exorbitant Power of the Church, which *Henry* the Eighth demoliſhed in a great Meaſure, by renouncing the Pope, and aſſuming to himſelf, and his Succeſſors on the Throne of *England*, the *Supremacy* of the Church of *England*, and more effectually by diſſolving the religious Houſes, and ſpreading abroad the exceſſive Wealth of the Church.

The Reformation of Religion.

The Reformation begun by *Henry* the VIIIth was compleated by his Daughter Queen *Elizabeth*. By which the Nation was delivered from the papal Uſurpations upon their Liberty and Property. But it is not to be thought that *England* was all this Time exempt from the Attempts of arbitrary Power, or of Men of arbitrary Principles ſupported by the Powers in being. Even King *Henry* VII. under the Maſk of Juſtice and Tenderneſs towards his People, got the *Star-chamber* Court eſtabliſhed by an Act of Parliament in the third Year of his Reign.

Star Chamber erected.

The Crimes it pretended to puniſh, were the exorbitant Offences of great Men (whom inferior Judges and Jurors, though they ſhould not, would in Reſpect of their Greatneſs, be afraid to offend) ſuch as Bribery, Extortion, Maintenance, Champerty, Imbracery, Forgery, Perjury, Libelling, Challenges, Duels, *&c.* Their Proceedings were by *Engliſh* Bill and Proceſs under the great Seal; and the Puniſhments by them inflicted, were Fines, Impriſonment, Pillory, cutting off Ears, *&c.* But whatever Pre-

tences there were, for the ſetting up this Court at firſt, 'tis certain it was made uſe of as an Inſtrument of *arbitrary Power*, to *cruſh* any, whom the ruling Miniſters and Favourites had a Mind to deſtroy: and indeed there were three Things in the very Nature of this Court, which were deſtructive to the original Conſtitution of our *Engliſh* Government and Liberties. 1. They proceeded without Juries. 2. They pretended to a Power of examining Men upon their Oaths, touching Crimes by them ſuppoſed to be committed; which is contrary to all Law and Reaſon; for, no Man is bound to accuſe himſelf. 3. The Judges of this Court proceeded by no known Laws or Rules; but were left at Liberty to act arbitrarily, and according to their own Pleaſures: Whereas the Laws of *England* do not approve of the leaving any ſuch *unlimited* Power to be exerciſed by any one; but as it marks out the ſeveral Species of Crimes, ſuch or ſuch an Act ſhall be Treaſon, this Felony, that petty Larceny, *&c.* ſo it awards certain and poſitive puniſhments, proportionate to each of them.

This Court became ſo uſeful to a bad Miniſtry, that the evil Counſellors, in the Reigns of *James* I. and *Charles* I. almoſt totally took the Liberty of the Subject away, by the Violence and Tyranny of the *Star-chamber*. This Grievance ſpirited up the Parliament in the ſixteenth Year of *Charles* I. to aboliſh that Court by a formal Act, in which it is declared, that "Foraſmuch as the Proceedings, Cenſures and Decrees of the Court of Star-chamber have by Experience been found to be an *intolerable Burthen* to the Subject, and the Means to introduce an arbitrary Power and Government: and for as much as the *Council Table* hath of late times aſſumed unto itſelf, a Power to intermeddle in civil and Matters only of private Intereſt between Party and Party; and have adventured to determine of the Eſtates and Liberties of the Subjects, contrary to the Laws of the Land, and the Rights and Privileges of the Subject; by which great and manifold Miſchiefs and Inconveniences have ariſen and happened, and much incertainty, by Means of ſuch Proceedings, hath been conceived concerning Mens Rights and Eſtates; for ſettling whereof and preventing the like in Time to come.

Be

Be it ordained and enacted by the Authority of this preſent Parliament, that the ſaid Court commonly, called the Star-chamber, and all Juriſdiction, Power and Authority, belonging unto, or exerciſed in the ſame Court, or by any the Judges, Officers, or Miniſters thereof, be from the firſt Day of *Auguſt*, in the Year of our Lord God One Thouſand ſix Hundred and forty-one, clearly and abſolutely diſſolved, taken away and determined. And that from henceforth no Court, Council or Place of Judicature, ſhall be erected, ordained, conſtituted or appointed within this Realm of *England*, or Dominion of *Wales*, which ſhall have, uſe, or exerciſe the ſame, or the like Juriſdiction, as is or hath been uſed, practiſed or exerciſed in the ſaid Court of Star-chamber.

Be it likewiſe declared, and enacted by the Authority of this preſent Parliament, that neither his Majeſty, nor his Privy-Council, have, or ought to have any Juriſdiction, Power or Authority, by *Engliſh* Bill, Petition, Articles, Libels, or any other arbitrary Way whatſoever, to examine, or draw into Queſtion, determine or diſpoſe of the Lands, Tenements, Hereditaments, Goods or Chattles of any of the Subjects of this Kingdom; but that the ſame ought to be tried, and determined in the ordinary Courts of Juſtice, and by the ordinary Courſe of Law.

And it was alſo provided and enacted, that if any Perſon ſhall hereafter be committed, reſtrained of his Liberty, or ſuffer Impriſonment, by the Order or Decree of any ſuch Court of Star-chamber, or other Court aforeſaid, now, or at any Time hereafter, having, or pretending to have, the ſame, or like Juriſdiction, Power or Authority, to commit or impriſon as aforeſaid; or by the Command or Warrant of the King's Majeſty, his Heirs and Succeſſors in their own Perſon; or by the Command or Warrant of the Council-Board; or of any of the Lords, or others of his Majeſty's Privy Council; that in every ſuch Caſe, every Perſon ſo committed, reſtrained of his Liberty, or ſuffering Impriſonment, upon demand, or Motion made by his Counſel, or other employed by him for that Purpoſe, unto the Judges of the Court of King's Bench, or Common Pleas, in open Court, ſhall without Delay, upon any Pretence whatſoever, for the ordinary Fees uſually paid for the ſame, have forthwith granted unto him a Writ of *Habeas Corpus*, to be direct-

ed generally unto all and every Sheriff, Gaoler, Miniſter, Officer, or other Perſon, in whoſe Cuſtody the Perſon committed or reſtrained ſhall be. And the Sheriffs, Gaoler, Miniſter, Officer, or other Perſon, in whoſe Cuſtody the Perſon ſo committed or reſtrained ſhall be, ſhall, at the Return of the ſaid Writ, and according to the Command thereof, upon due and convenient Notice thereof given unto him, at the Charge of the Party, who requireth or procureth ſuch Writ, and upon Security by his own Bond given, to pay the Charge of carrying back the Priſoner, if he ſhall be remanded by the Court, to which he ſhall be brought, as in like Caſes hath been uſed; ſuch Charges in bringing up and carrying back the Priſoner, to be always ordered by the Court, if any Difference ſhall ariſe thereabout; bring or cauſe to be brought, the body of the ſaid Party ſo committed or reſtrained, unto and before the Judges or Juſtices of the ſaid Court, from whence the ſame Writ ſhall iſſue, in open Court. And ſhall then likewiſe certify the true Cauſe of ſuch his Detainer or Impriſonment, and thereupon the Court, within three Court Days after ſuch Return, made and delivered in open Court, ſhall proceed to examine and determine, whether the Cauſe of ſuch Commitment, appearing upon the ſaid Return, be juſt and legal or not, and ſhall thereupon do what to Juſtice ſhall appertain, either by delivering, bailing, or remanding the Priſoner. And if any Thing ſhall be otherwiſe wilfully done, or omitted to be done by any Judge, Juſtice, Officer or other Perſon afore-mentioned, contrary to the Direction, and true meaning hereof, then ſuch Perſon ſo offending ſhall forfeit to the Party grieved, his treble Damages.

Habeas Corpus Act.

Nevertheleſs ſuch were the Delays and Obſtacles made uſe of by the Officers concerned in the Execution of the Writ of *Habeas Corpus*, that in the 31ſt *Charles* II. it was found neceſſary to enforce the Utility thereof; the Judges alſo pretending, in many Caſes, a Power to grant or to deny the ſaid Writ at their Pleaſure. Therefore to remedy thoſe Miſchiefs an Act paſſed, which 1ſt. concerns all Perſons committed for ſome or other criminal, or ſuppoſed criminal Matter, beſides Treaſon or Felony, ſhall have an *Habeas Corpus* immediately; 2dly, Such, who in their Mittimus are charged with Treaſon or Felony, and theſe ſhall have the Benefit of the Writ after the Time herein limited. 1ſt, If any Gaoler or Under-keeper ſhall

ſhall not deliver a true Copy of the Mittimus within ſix Hours after the Priſoner demands it, the Head-gaoler or Keeper forfeits to the Priſoner for the firſt Offence 100l. for the ſecond Offence 200l. and loſes his Place. Nor is there any Fee to be paid for the ſame, for the Turnkey muſt deliver it at his Peril. And Note; if the Priſoner ſhould be locked up, or none ſuffered to come at him, any Friend of his may demand the ſame on his Behalf.

Whatever the criminal Matter be, if Treaſon or Felony be not expreſly charged, any Perſon on the Priſoner's Behalf, carrying a true Copy of the Commitment to the Lord Chancellor, or any one of the Judges, or Barons of the Exchequer, or upon Oath made, that a Copy was demanded and denied, he ſhall grant an *Habeas Corpus*, or forfeit 500l. to the Priſoner: But Note, the Requeſt muſt be made to ſuch Judge in writing, and atteſted by two Witneſſes.

If the Sheriff or Gaoler do not carry up the Priſoner, and return the true Cauſes of his Detainer, within three Days, if under twenty Miles Diſtance, or within ten Days if above twenty, and under one hundred Miles, or within twenty Days if above one hundred Miles, he forfeits 500l. to the Priſoner.

Note; the Priſoner muſt pay the Charges of his carrying up, and the Judge, when he grants the Writ, may order how much, but it muſt not be above Twelve-pence a Mile.

If upon the Return of ſuch *Habeas Corpus*, it appears that the Priſoner is not charged with Treaſon or Felony, ſpecially and plainly expreſſed, or for ſuch Matters, as by Law are not bailable, the Judge ſhall diſcharge the Priſoner upon Bail.

If a Perſon once ſo bailed, ſhall again be impriſoned for the ſame Offence, thoſe who impriſon him forfeit 500l.

If High Treaſon or Felony is plainly and ſpecially expreſſed, [That is, not only generally, for Treaſon or Felony, but Treaſon in conſpiring to kill the King, or in counterfeiting the King's Coin; or Felony, for ſtealing the Goods of ſuch an one to ſuch a Value, *&c.*] then the Priſoner cannot have his *Habeas Corpus*, till he has, in the firſt Week of the Term, or on the firſt Day of Seſſions of *Oyer* and *Terminer*, or general Gaol-delivery petitioned in open Court to be brought to his Trial; and then if he is not brought to Trial, he ſhall be bailed on the laſt Day of the next Term, or Seſſions;

and if not indicted the ſecond Term or Seſſions, he ſhall be diſcharged.

This Act extends to all Places within *England* and *Wales*; the Tower cannot be ſuppoſed to be exempted, nor *Windſor*-Caſtle, nor any ſuch Royal Forts; for the Words are general: And farther, there is a ſpecial Act of Parliament, that unites the King's Caſtles to the Counties wherein they ſtand; there having been it ſeems ſome Pretenſions and ill Practices to hold them diſtinct, that therein they might detain Men Priſoners againſt Law, and not admit any writ to enlarge them.

King *James* II. having ruined himſelf, run away from his Crown and his Subjects, after he had given ſtrong Proofs of his Intention to overthrow the Conſtitution of this Realm, both in Church and State; and the Nobility, Clergy, and Commons placed the Prince and Princeſs of *Orange* upon the Throne of theſe Kingdoms, by the Title of King *William* and Queen *Mary*. And in the ſecond Seſſion of the firſt Year of their Reign, an Act paſſed to ſecure the *Rights* and *Liberties* of the Subjects. By which it was declared,

Bill of Rights.

1. That the pretended Power of *ſuſpending of Laws*, or the Execution of Laws, by regal Authority without Conſent of Parliament, is illegal.

2. That the pretended Power of diſpenſing with Laws, or the Execution of Laws, by regal Authority, as it hath been aſſumed and exerciſed of late, is illegal.

3. That the Commiſſion for erecting the late *Court* of *Commiſſioners* for *eccleſiaſtical* Cauſes, and all other Commiſſions and Courts of like Nature, are illegal and pernicious.

4. That levying Money for or to the Uſe of the Crown, by Pretence of Prerogative, without Grant of Parliament, for longer time, or in other manner than the ſame is or ſhall be granted, is illegal.

5. That it is the Right of the Subjects to petition the King, and all Commitments and Proſecutions for ſuch petitioning are illegal.

6. That the raiſing or keeping a ſtanding Army within the Kingdom in time of Peace, unleſs it be with Conſent of Parliament, is againſt Law.

7. That the Subjects, which are Proteſtants, may have Arms for their Defence ſuitable to their Conditions, and as allowed by Law.

8. That

8. That Election of Members of Parliament ought to be free.

9. That the Freedom of Speech, and debates or Proceedings in Parliament, ought not to be impeached or queſtioned in any Court or Place out of Parliament.

10. That exceſſive Bail ought not to be required, nor exceſſive Fines impoſed, nor cruel and unuſual puniſhments inflicted.

11. That Jurors ought to be duly impannelled and returned, and Jurors, which paſs upon Men in Trials for High Treaſon, ought to be Freeholders.

12. That all Grants and Promiſes of Fines and Forfeitures of particular Perſons before Conviction, are illegal and void.

13. And that for Redreſs of all Grievances, and for the amending, ſtrengthening, and preſerving of the Laws, Parliaments ought to be held frequently.

And they do claim, demand, and inſiſt upon all and ſingular the Premiſſes, as their undoubted Rights and Liberties.

The ſixth Section of this Statute ſaith,

Now in Purſuance of the Premiſſes, the ſaid Lords Spiritual and Temporal, and Commons in Parliament aſſembled, for the ratifying, confirming and eſtabliſhing the ſaid Declaration, and the Articles, Clauſes, Matters and Things therein contained, by the Force of a Law made in due Form by Authority of Parliament, do pray, that it may be declared and enacted, that all and ſingular the Rights and Liberties aſſerted and claimed in the ſaid Declaration, are the true, ancient, and indubitable Rights and Liberties of the People of this Kingdom, and ſo ſhall be eſteemed, allowed, adjudged, deemed, and taken to be; and that all and every the Particulars aforeſaid ſhall be firmly and ſtrictly holden and obſerved, as they are expreſſed in the ſaid Declaration; and all Officers and Miniſters whatſoever ſhall ſerve their Majeſties and their Succeſſors, according to the ſame in all Times to come.

Then after a Variety of Matters come the enacting Clauſes of the Act as follow, *viz.*

§. 11. All which their Majeſties are contented and pleaſed ſhall be declared, enacted and eſtabliſhed, by authority of this preſent Parliament, and ſhall ſtand, re-

main, and be, the Law of this Realm FOR EVER; and the ſame are by their ſaid Majeſties, by and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons, in Parliament aſſembled, and by the Authority of the ſame, declared, enacted, and eſtabliſhed accordingly.

§. 12. And be it further declared and enacted, by the Authority aforeſaid, that from and after this preſent Seſſion of Parliament, no Diſpenſation by *non obſtante* of or to any Statute, or any Part thereof, ſhall be allowed, but that the ſame ſhall be held void, and of no Effect, except a Diſpenſation be allowed of in ſuch Statute, and except in ſuch Caſes as ſhall be ſpecially provided for by one or more Bill or Bills, to be paſſed during this preſent Seſſion of Parliament.

Act of Settlement.

Anno 12 and 13 *William* III. An Act paſſed for the Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subject, commonly called the *Act of Settlement*; in which it is recited, "That whereas it is requiſite and neceſſary that ſome further Proviſion be made for ſecuring our Religion, Laws, and Liberties from and after the Death of his Majeſty and the Princeſs *Anne* of *Denmark*, and in Default of Iſſue of the Body of the ſaid Princeſs, and of his Majeſty reſpectively: Be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in Parliament aſſembled, and by the Authority of the ſame.

That whoſoever ſhall hereafter come to the Poſſeſſion of this Crown, ſhall join in Communion with the Church of *England*, as by Law eſtabliſhed.

That in Caſe the Crown and Imperial Dignity of this Realm, ſhall hereafter come to any Perſon, not being a Native of this Kingdom of *England*, this Nation be not obliged to engage in any War for the Defence of any Dominions or Territories which do not belong to the Crown of *England*, without the Conſent of Parliament.

This Clauſe is repealed.

That no Perſon, who ſhall hereafter come to the Poſſeſſion of this Crown, ſhall go out of the Dominions of *England*, *Scotland*, or *Ireland*, without Conſent of Parliament.

That from and after the Time that the further Limitation by this Act ſhall take Effect, all Matters and Things relating

relating to the well governing of this Kingdom, which are properly cognizable in the Privy-Council by the Laws and Cuſtoms of this Realm, ſhall be tranſacted there, and all Reſolutions taken thereupon ſhall be ſigned by ſuch of the Privy-Council, as ſhall adviſe and conſent to the ſame.

That after the ſaid Limitation ſhall take effect, as aforeſaid, no Perſon born out of the Kingdoms of *England*, *Scotland*, or *Ireland*, or the Dominions thereunto belonging (altho' he be naturalized or made a Denizen, except ſuch as are born of *Engliſh* Parents) ſhall be capable to be of the Privy-Council, or a Member of either Houſe of Parliament, or to enjoy any Office or Place of Truſt, either civil or military, or to have any Grant of Lands, Tenements, or Hereditaments from the Crown to himſelf, or to any other or others in Truſt for him.

That no Perſon who has an Office or Place of Profit under the King, or receive a Penſion from the Crown, ſhall be capable of ſerving, as a Member of the Houſe of Commons.

That after the ſaid Limitation ſhall take Effect, as aforeſaid, Judges Commiſſions be made *quamdiu ſe bene geſſerint*, and their Salaries aſcertained and eſtabliſhed, but upon the Addreſs of both Houſes of Parliament, it may be lawful to remove them.

That no Pardon under the great Seal of *England* be pleadable to an Impeachment by the Commons in Parliament.

And whereas the Laws of *England* are the Birth-right of the People thereof, and all the Kings and Queens, who ſhall aſcend the Throne of this Realm, ought to adminiſter the Government of the ſame according to the Laws, and all their Officers and Miniſters ought to ſerve them reſpectively according to the ſame: The ſaid Lords Spiritual and Temporal, and Commons, do therefore humbly pray, that all the Laws and Statutes of this Realm for ſecuring the eſtabliſhed Religion, and the Rights and Liberties of the People thereof, and all other Laws and Statutes of the ſame, now in force may be ratified and confirmed, and the ſame are by his Majeſty, by and with the Advice and Conſent of the ſaid Lords Spiritual and Temporal, and Commons, and by Authority of the ſame, ratified and confirmed accordingly.

Thus

The Engliſh the beſt conſtituted Government.

Thus was laid the Foundation of that extenſive Liberty, now enjoyed under a Government, which when well adminiſtered, is without doubt one of the beſt conſtituted that ever prevailed in any Age, or Country, and which can never be ſubverted, but by the Abuſe of that Liberty, which is its greateſt Grace and Glory.

It is intitled to be called the beſt conſtituted; becauſe there was never either ancient or modern Government, that allowed ſo much Freedom to the Subject; neither can the King's juſt Prerogative, intended for the good of the People, be ever diminiſhed while he hath good and faithful Counſellors to adviſe him, who underſtand the Conſtitution of the State, and the original End and true Extent of the Prerogative. Look into the moſt free Republics, and they will be found too infecure to enter into any Degree of Compariſon with *England*; where the Benefits of a free Government are ſo widely extended, that it is every Man's Intereſt, and every Man of common Senſe muſt ſee, that it is his Intereſt, to preſerve this Form to the utmoſt of his Power.

A mixt Government.

Thus we find that the Conſtitution of this Kingdom has always been, in a great Meaſure, what it is ſtill, a *mixt Government*. The Monarchy is limited; but limited in ſuch a Manner, that the King rules abſolutely, ſo long as he rules according to the Laws, and does that, which is right. He is not decorated only with the Pageantry, Pomp, and Splendor of the Royal Dignity; but with its eſſential Rights and Prerogatives alſo. The Adminiſtration of Affairs is lodged wholly in him: He chuſes what Miniſters he pleaſes; and thoſe Miniſters, not himſelf, are reſponſible for the Meaſures in the Adminiſtration. He is the Fountain of Honour, and the Militia is in him. He has the ſole Power to make Peace and War; he coins Money, and does every Thing that a good Monarch would wiſh to do. Yet his Power is neither burthenſome, nor terrible to his People; on the contrary his very Prerogatives are favourable to the Nation's Liberties. So that, as a *Britiſh* King has no Temptation to break in upon the Conſtitution; neither can his Subjects have the leaſt Reaſon to wiſh, or to deſire, that his Power ſhould be more reſtrained.

The King the ſupreme in Church and State.

By our Conſtitution the King is ſupreme in all Cauſes eccleſiaſtial as well as civil. And the Religion by Law eſtabliſhed

eſtabliſhed is the *Chriſtian* Faith in great Purity, under the Government of Archbiſhops and Biſhops. Order and Decency are thoroughly provided for, and yet Perſecutions is provided againſt. The Clergy have all that they can wiſh; but the Dominion over Conſciences is very wiſely reſerved to him, to whom it belongs; even to that ſupreme Being, to whom every Man is accountable, and to whom alone we ought to account. *Liberty* of *Conſcience* and Toleration is allowed to ſuch, as diſſent from the eſtabliſhed Church; the State interfering no further with the Liberty of Worſhip, than is neceſſary to ſecure that Liberty for ſcrupulous Conſciences, and to prevent the Bigots of all Religions from perſecuting each other with an enthuſiaſtic Zeal. So that wiſe and moderate Men have nothing to wiſh in this Reſpect, but that Things may always continue in this State, and that the Spirit of Religion may ſhew itſelf in Zeal for good Works, rather than in heats about private Opinion.

Religion. Liberty of Conſcience.

Next to Majeſty we are to conſider *Nobility*, as a Branch of the Conſtitution. They are the King's Hereditary Counſellors, and make one of the three Eſtates, in Conjunction with the Lords Spiritual, and with them are Judges, in the laſt Reſort, of all that has been done in any of the Courts below. They have all the Power and Splendor, that is conſiſtent with the ſafety of others or their own. They enjoy many great Privileges; but are reſtrained from Acts of Tyranny: Every Man that is free and a good Subject, is ſafe from the Pride or Caprice of Men of Title; for the moſt abject amongſt the People is in no Danger of being diſturbed or diſtreſſed by a Noble, while he is guilty of no Offence towards him. But more of this Order hereafter when we come to treat of the ſeveral *Ranks* and *Conditions* of the *Laity*.

Nobility.

The People's Share in the Conſtitution is full as large, as needful. They have all the Freedom they can wiſh, and all the Power they can manage. Their Power has increaſed in Proportion to the Increaſe of their Property: no Part of which can be taken from them, even for the public Service, without their own Conſent. Out of the People or Commonalty are choſen the *Commons* of *Great Britain*, who in their legiſlative Capacity have ſuch Rights and Privileges, that nothing can be done by the ſupreme Power of the Nation without their Approbation. No new

People ſhare in the Conſtitution. Commons of Great Britain.

Law

Law can be made, no old one repealed, but by their Voice: No Taxes can be levied unleſs the Quantity and Quality be ſettled by them: No Grievance can be felt, but what they may redreſs, and of which they muſt be informed: Nor is there any Matter ſo great, or Man ſo powerful, as to be beyond the Rank of their Enquiries, or the Force of their Impeachments. The Prerogative itſelf can ſet no Bounds to either. They are the grand Inqueſt of the Nation; and no Power can protect the Guilty from the Purſuit of Juſtice, when managed by them. And in their collective Capacity their Power is of a vaſt Extent. The Knights of Shires are choſen by the Freeholders; the Citizens by their fellow Citizens, and the Burgeſſes by thoſe, who have a right to their Votes by the Conſtitution of their reſpective Boroughs. So that the only way to enſlave or to undo us is left to ourſelves. The Conſtitution therefore has dealt with us, as we are dealt with by our Creator: It has made us as free, as in their nature Men can be; and if ever we be enſlaved or undone, it muſt be our own Act, and Slavery muſt be at once both our Choice and our Puniſhment.

Diſtinct Powers of King, Lords and Commons.

Let it alſo be remarked in this Place, that there is in every Branch of the Conſtitution a ſeparate and characteriſtic, as well as a legiſlative Power. In reſpect to the former, each is free and independent: The King exerciſes his Prerogative without Reſtriction: The Houſe of Peers, as a ſupreme Judicature, and as the great Council of the Nobles, acts alſo without any other Reſtraint, than the Uſage of Parliaments put upon them: The Houſe of Commons do the ſame, in Reference to all the Points, that belong ſtrictly and peculiarly to them. In their legiſlative Capacity ſtrictly conſidered, it is otherwiſe; for there is, I won't call it abſolutely a Dependence, but a neceſſary Connection between all the Branches of the Legiſlature, and this ariſes no otherwiſe, than from their Relation to, and the inſeperable Intereſts they have in each other: which Connection is no Impeachment of Liberty, becauſe it ariſes from their common Concern for Liberty.

The Conſtitution diffuſive.

Beſides, the Bleſſings of our Conſtitution are not barely confined to the happy Diſpoſition of the ſeveral Branches of the Legiſlature; for they extend themſelves throughout the whole Scheme of our Policy, and are copied in every Place, where any Form of Government, or Kind of Juriſdiction

diction prevails. Thus, in every Town Corporate there is a Mayor, Bailiff, or other chief Officer, with Aldermen, Burgeſſes, or Aſſiſtants, and in the Borough a fixed Repreſentative of the Commonalty. In the Country there is the ancient *County-Court*, and *Court Leet* and *Baron*. So that in this Part of our Government, we ſtill retain that Form, which the *Saxons* borrowed of the *Britons*, and of which we can trace the Antiquity almoſt two thouſand Years.

Executive Power where lodged.

The Adminiſtration of Government, or the *executive Power* of the Conſtitution, is veſted in the Crown, and thence diſtributed by Royal Commiſſions to ſuch, as are by them empowered to adminiſter Juſtice of every Kind to the People; and as thoſe, who are thus authoriſed, are bound to reſpect the Laws, and to act in obedience to them (for to this and this only their Commiſſions extend) it is evident, that every Act of Mal-adminiſtration is cognizable and puniſhable. "The King can do no wrong." Therefore, if wrong be done, the wrong doer is to be puniſhed: For this Maxim of Law having exempted the King, it is evident, that no Commiſſion or Warrant whatever can juſtify or excuſe a Perſon, who acts in Breach of the Laws. "The King is alſo by the Law conſidered "to be a Minor." Therefore, he can receive no Prejudice from any Acts, into which he may be miſled or ſurprized; but thoſe, who act under Pretence, or Colour of Powers, thus obtained, ſhall bear the Weight of their own Offences, without any Regard being ſhewn to that ſhadow of Authority, under which they would be thought to have acted. But this will more fully appear from a ſuccinct View of the ſettled, legal and regular Method, in which every Part of the Government is actually adminiſtered.

Privy Council.

Acts of State are conſidered, debated and reſolved in the *Privy Council*, uſually held in the King's Preſence, and always under the Direction of a high Officer of State, ſtiled the *Lord Preſident of the Council*. All the King's Commands are tranſmitted to his Officers, civil and military by the Secretaries of State: But all Acts of a public Nature, and all Inſtruments of general Concern paſs the Privy-ſeal or the Great Seal, and are liable to be ſtopped at either; till the great Officers, intruſted with

thoſe Seals, are ſatisfied of the Expediency, as well as of the Legality of the Contents.

Supreme Court of Chancery.

Next to the Privy Council we place the *Supreme Court of Equity*; wherein the *Lord High Chancellor* preſides, to relieve ſuch as are without Redreſs by the ſtrict Letter of the Law, and thoſe alſo who are diſtreſſed by it. Becauſe Juſtice rigorouſly adminiſtered may become Injuſtice. In order for a more ready Diſpatch of Buſineſs in this Court, the Chancellor has under him the Maſter of the Rolls, and eleven Maſters in Chancery. The *Maſter of the Rolls* hears Cauſes: But there lies an Appeal from his Decree to the Chancellor; and ſuch Things are referred to the Maſters to be ſtated and reported, as may facilitate the doing Juſtice upon a final hearing. But of this more fully hereafter, when we ſhall treat of the *State of the Law*.

King's-Bench.

The Courts of Law are as follow, *viz.* The Court of *King's-Bench*, in which preſides the chief Juſtice of *England*, with the Aſſiſtants of three other Judges. And in this Court are tried all Cauſes both criminal, or Offences againſt the Crown, and civil, or ſuch as relate to private Property. The *Common Pleas*, in which alſo there preſides a Chief Juſtice with three other Judges, who hear and determine all civil Cauſes in that Court. The *Exchequer*, in which Court there preſides a Lord Chief Baron with three other Barons, which is the Title of the Judges of this Court: in which are regulated all Affairs relating to the public Revenue; and it is alſo conſidered as a common Law-Court, and a Court of Equity.

Common Pleas.

Exchequer.

Appeals to the Houſe of Lords.

Appeals from all theſe Courts in general, and from the Courts of Law and Equity in *Scotland* and *Ireland*, are in the laſt Reſort determined in the Houſe of Lords. And theſe ſame Judges, at ſtated Times in the Year, for the better Diſtribution of Juſtice in the County, hold Courts of *Aſſize*, two upon each Circuit, one for criminal; the other for civil Cauſes: And particular Judges are appointed by the King's Commiſſion for the County *Palatine* of *Cheſter*, and the Principality of *Wales:* And thus every Part of the Kingdom is open too, and receives the equal Benefit of the Laws.

Courts of Aſſize.

Trial by Juries.

Here it ought to be particularly noted that our Conſtitution has given the People a Share alſo in the executive Part of the Law. No Cauſes can be tried in any of the

the Courts of Law, nor any Man adjudged to loſe Life, Member, or Eſtate, but upon the Verdict of his Peers (or Equals) his Neighbours of his own Condition. Theſe Peers are Twelve in Number, and are called *Jurymen*, whoſe Office and Power is judicial: From their Verdict lies no Appeal; and they are the only Judges, from whoſe Sentence the indicted is to expect Life or Death: And upon their Integrity and Underſtanding the Lives of all, that are brought into Judgment, do ultimately depend.

Lord Lieutenants.

The other Acts of Government, which extend through all the different Parts of the Nation, they are either of a political or judicial Nature. In Reference to the former, there is a *Lord Lieutenant* in each County, whoſe Office is to receive the King's Commands, and to communicate them to the Deputy-Lieutenants and to the Officers of the Militia, if required.

Cuſtos Rotulorum.

There is alſo in every County a *Cuſtos Rotulorum*, or Keeper of the Archives, whoſe Office is to recommend proper Perſons to be in the Commiſſion of the Peace.

Juſtices of the Peace.

Theſe Juſtices have the Power, if *Conſervators of the Peace*, viz. to correct ſmall Offenders, and to commit and confine thoſe that are accuſed of great Crimes.

Conſtables.

Under their Juriſdiction for the better executing their Orders, there are Officers called *Conſtables* and *Headboroughs*, &c. who have a miniſterial Power of executing the Juſtices Warrants, and of interfering, by their own Authority, upon any open Breach of the Peace.

Their Duty.

But for the better underſtanding and executing of this Office let it be obſerved, that Conſtables and Headboroughs have Power, within their reſpective Pariſhes and Diviſions, to quell all Affrays, Riots, and actual Aſſaults, by commanding the Parties, in the King's Name, to keep the Peace, and quietly depart about their reſpective Buſineſſes; and to apprehend all Perſons, who ſhall in their View break the Peace, by aſſaulting, ſtriking, or by fighting, though by Conſent, if either Party appear wounded; and to carry ſuch Perſons directly before ſome Juſtice of the Peace; or, if it be Night, to impriſon them till the next Morning: And they have Power to oblige any Perſon within View of an Affray, Riot, Rout, or Aſſault, to aid and aſſiſt them in the Execution of their Office. But, though a Conſtable or Headborough may apprehend a Perſon without Proceſs or Warrant, he is not at Liberty to diſcharge ſuch Priſoner upon his own Authority.

Authority. Becauſe, as the legal Intention of ſuch Arreſt being the Delivery of the Party to a Magiſtrate, to be dealt with according to law; he can't be diſcharged legally but by a Magiſtrate: And the Conſtable who does not obſerve this Caution is liable to an Indictment, or Action of falſe Impriſonment, for a Conſtable's Diſcharge amounts to a Confeſſion that he had no lawful Power to arreſt.

The Conſtable is charged with the Regulation of the Night-watch. The Rate for the Payment of which is entirely at the Will of the Conſtable (except in ſome Wards in the City of *London)*: Which, I apprehend, is the only Inſtance in our *Engliſh* Conſtitution of the Subject, or any Officer, making, collecting, and applying a Rate upon his own Authority, without Inſpection or Controul.

The apprehending and bringing to Juſtice Felons is of ſo great Conſequence to the Public, that the common Law requires that Service from private Perſons: Much more then, it is the Duty of Conſtables, who are ſelected by the Conſtitution of our Country, and bound by a ſolemn Oath to exert themſelves in this important Service of preſerving the Lives and Properties of our Fellow-ſubjects. And the Law in this Reſpect has armed them with all neceſſary Power to do this Duty with ſafety to themſelves: They have Power to raiſe Hue-and-cry with Horſe and Foot, to ſearch all ſuſpected Places, and break open Doors in the Purſuit of Felons, and to extend that Purſuit to every adjacent Pariſh by giving Notice to their reſpective Conſtables. By the 8 *George* II. c. 10. it is therefore provided, that if any Conſtable or Headborough, within the Hundred, wherein any Robbery ſhall happen, ſhall refuſe or neglect to make Hue-and-cry after Felons, with the utmoſt Expedition, as ſoon as he ſhall receive notice thereof, he ſhall, for every ſuch Refuſal or Neglect, forfeit the Sum of Five Pounds. And in the apprehending of Felons, the Wiſdom of the Law has rendered Warrants unneceſſary. But in all Caſes where there is no more than Suſpicion, the ſafeſt way is to refer the Parties to a Juſtice of the Peace, and ſo the Conſtable to act upon the Juſtice's Warrant.

It is the further Duty of the Conſtable to preſent bad Pavements and Roads, Lay-ſtalls and every Thing laid in Streets without either Watch or Light, to the overturning of Carriages, and endangering the Lives and Limbs of the Subject:

Subject: As alſo Sheds jutting out from Shops, &c. and Cellars broke out into the Footway, to the great Annoyance of Foot-paſſengers.

The Conſtable is likewiſe empowered to apprehend any Driver, or other Perſon riding on their Carriages, having no one on Foot to guide their Horſes, and to carry them before a Juſtice of Peace: To apprehend all Vagrants, Drivers of Orange-barrows, them that are given to prophane Curſing and Swearing, and common Beggars.

The Conſtables derive the reſt of their Power from the Seſſions, the Sheriff, the Coroner, the Juſtice of Peace, and from the high Conſtable. Each of whom, in their reſpective Stations, the Conſtable, by law, is bound to obey. The Power given by a Conſtable or Headborough by the Seſſion, Sheriff, Coroner, and Juſtice of Peace, is ſignified always by Warrants under their Hands and Seals, and they muſt be obeyed under ſevere Penalties, when iſſued for their perſonal Attendance to ſuppreſs Fairs, to prevent Cock-throwing, and to ſuppreſs Gaming, and other Diſorders on the Lord's-Day. When the Sheriff calls upon Peace-officers with his Precept to attend Executions, they muſt obey his Orders, preſerve the King's Peace, and not ſuffer a Mob, to extend Puniſhment beyond the juſt Limits of the Law. They are obliged to execute the Coroner's Warrants, as well for ſummoning Juries, as for apprehending Perſons charged with, or ſuſpected of Murder. And they are obliged alſo to preſent at the Quarter Seſſions and to the Grand Juries, the ſeveral Offences they ſhall meet with in their reſpective Pariſhes or Diſtricts, and mentioned in their Precept from the high Conſtable.

The Conſtable, by a late Statute, is delivered from the old Cuſtom of being anſwerable for falſe Impriſonment, if he executed a Warrant in Caſes where the Juſtice had no Juriſdiction. Now the Conſtable is concerned only in the Execution of Warrants; and if they happen to be illegal, the Juſtice only is to anſwer for that. But the Conſtable muſt be careful to have his Warrants properly diſcharged by a Juſtice, and to preſerve them ſo diſcharged: For, the Defendant, or his Attorney, has a right to demand a Copy and Peruſal of ſuch Warrant; which, if refuſed by the Conſtable, makes him liable to an Action of falſe Impriſonment, if the Warrant be illegal: Whereas, if he gives ſuch Copy, or permits the Peruſal, the

Juſtice muſt abide by the conſequence of his Warrant, and the Conſtable ſhall be diſcharged.

In the Execution of Search-warrants there muſt be uſed great Prudence, Caution, and Tenderneſs, they being too often the Effects of Miſtake and Miſapprehenſion: And theſe Warrants muſt be executed between the riſing and ſetting of the Sun, or, at moſt, by viſible Day-light.

In Caſes of apprehending Felons, and of Searches made by Officers of the Revenue, the Conſtable has Power to break open Doors. But in ſuch Caſes, when the Conſtable finds the Door faſt, he muſt call with an audible Voice to the Perſons within, demanding immediate Entrance there, in the King's Name, as Conſtable: And if, upon this, the Parties refuſe to anſwer, or anſwering refuſe to open the Door, then the Peace Officer is juſtifiable in uſing force, and not otherwiſe.

He is not to execute a Warrant, or do any Act of a Conſtable out of his reſpective Pariſh or Diſtrict, except eſpecially appointed by a Warrant, or in aiding the High Conſtable in the Diſcharge of his Duty.

In the Execution of Warrants of Diſtreſs, the Conſtable muſt firſt demand the Sum to be levied. If that be refuſed, or not paid immediately, he is to ſeize ſo many of the Goods, as will be ſufficient to pay the Contents of the Warrant, and the neceſſary Expences ariſing from this Act of Diſtreſs. When the Goods are ſold, which ſhould be done as ſoon as poſſible, by a Broker, he muſt pay the Surplus, if there be any in the Sale, to the Parties, upon whom the Seizure is made. But this Diſtreſs does not extend to the Landlord's Seizure for Rent. In theſe Caſes the Conſtable is only to preſerve the Peace.

I ſhall conclude this Office, with obſerving the great Truſt our Parliament has lodged in the Conſtable, where the Guardians of our Liberty and Property have given them Power to quarter Soldiers in their reſpective Pariſhes, *&c.* And by the Statute of Queen *Anne*, the Conſtables are required, upon Notice given to them, to repair to the Place where any Fire ſhall happen in their ſeveral Pariſhes, there to aſſiſt in the extinguiſhing of it, by compelling Perſons preſent to work at the Engines, and ſuch other Service, as ſhall tend to prevent the ſpreading of the Flames, and to apprehend Pilferers and idle Perſons waiting an Opportunity to rob the diſtreſſed.

The

The OATH *of a* Conſtable, *ſo far as it relates to his apprehending Night-Walkers, and idle Perſons, and his preſenting Offences contrary to the Statutes made againſt unlawful Gaming, Tipling, and Drunkenneſs, and for the ſuppreſſing of them.*

"THE Oath ſets forth, That he is to uſe his endeavour that Night-walkers be apprehended. To ſee that the Statutes made for puniſhing Vagabonds and ſuch idle Perſons, coming within his Bounds and Limits, be duly put in Execution. To have a watchful Eye to ſuch Perſons as ſhall maintain or keep any common Houſe or Place where any unlawful Game is or ſhall be uſed; as alſo to ſuch as ſhall frequent or uſe ſuch Places, or ſhall uſe or exerciſe any unlawful Games there or elſewhere, contrary to the Statutes. To preſent at the Aſſizes, Seſſions of the Peace, or Leet, all and every the Offences done contrary to the Statutes made to reſtrain the inordinate Haunting and Tippling in Inns, Ale-houſes, and other Victualling-houſes, and for repreſſing of Drunkenneſs; and that he is well and duly, according to his Knowledge, Power, and Ability, to do and execute all other Things belonging to a Conſtable's Office."

Upon this Part of the Conſtable's Oath that is recited, it is an obvious Obſervation, that though it expreſly mentions only ſome particular Statutes againſt Prophaneneſs and Vice, that Conſtables are to be careful that they be put in Execution, other Acts having been made againſt Offences of this Kind ſince the Oath was appointed; as particularly againſt profane Swearing and Curſing, *&c.* which were not formerly ſo common as in this degenerate Age, yet Conſtables are equally concerned to endeavour to ſee them executed: The Oath telling them in general Terms, that they are well and truly, according to their Knowledge, Power, and Ability, to do and execute all other Things (beſides what was before ſpecified) belonging to a Conſtable's Office.

Now, that Conſtables may the better know their Power, and how to execute their Office with the greateſt Effect, for the ſuppreſſing of Profaneneſs and Debauchery, here is added the Judgment of ſome great and eminent Lawyers in ſome important Caſes relating to a Conſtable's

Office in the Execution of the Laws againſt Profaneneſs and Vice.

A Conſtable may ſtop any Perſons, that he ſhall find driving of Carts, Horſes, Cattle, *&c.* on the Lord's-Day, and carry them before a Juſtice of Peace, to convict them of offending againſt the Statute 29 *Car.* II. *cap.* 7. without any Warrant from a Juſtice of Peace.

He may do the like to ſuch, as he ſhall find at any Sports or Paſtimes on that Day, contrary to 1 *Car.* I.

If he find any Tippling in Ale-houſes, *&c.* contrary to 21 *Jac.* I. *cap.* 7. he may carry them before a Juſtice of Peace, to convict them, that the Penalty may be levied according to that Statute, and the Statute 1 *Jac.* I.

If he find any Shop-keepers, or other Perſons, ſelling or expoſing to Sale their Wares on the Lord's-Day, he may carry them before a Juſtice of Peace, to convict them upon the Statute of 1 *Jac.* I. *cap.* 22.

He may take any that he ſhall find drunk, or blaſpheming, profanely ſwearing or curſing, contrary to the Acts of Parliament, 7 *Jac.* I. *cap.* 5, 6, 7 *Gul.* III. *cap.* 11. and 9, 10 *Gul.* III. and carry them before ſome Juſtice of Peace, to convict them. If he find any of theſe actually offending in ſuch Matters as aforeſaid, he may, by Virtue of his Office, without a Warrant from a Juſtice, take them to a Juſtice of the Peace.

Coroner. In Caſes of Bloodſhed there is an Officer called the *Coroner*, who is inveſted with the Power of enquiring into the Cauſe of the Bloodſhed and Death of a Perſon, and iſſuing ſuch Warrants, as are neceſſary to that Enquiry, and of committing, that they may be brought to Juſtice, ſuch Delinquents as are thereby diſcovered.

High Sheriff. For the Execution of *judicial* Acts, there is a *High Sheriff* in every County, to whom all Writs from the King's Courts, are directed; and who commands the Execution of them by Warrants under his Hand and Seal, directed to his Officers.

By theſe Means full Execution of the Laws is provided for, and the Means of procuring its Sentences and Decrees are open in all Places, and to all Perſons, agreeable to the moſt extenſive Notions of that natural Juſtice and common Right, we claim by the Conſtitution of our Country.

As

As no Common-wealth can be founded, proſper, or continue without the Rule, Square and Level of Laws, as Sir *Walter Raleigh* remarks in his Hiſtory of the World; Laws are ſo to be enacted and executed, as to agree with the Conſtitution of the People: For, as no Land is capable of producing all Things, neither are all People of one Humour and Inclination. Therefore, it has always been found neceſſary for the Legiſlature to form ſuch Laws, for the Government of the People, as appear moſt appoſite and conſentaneous to their national genius.

Of Laws.

This is the View, in which I conſider the Laws of *England*. They being coeval with the firſt Inſtitution of its Government; and, having had the Approbation and Suffrage of the People for ſo many Centuries of Years, they are become ſo habitual and co-natural to the *Engliſh*, that no other Laws in the World can be ſo apt, fit and beneficial for the good Government of this Kingdom, as our own *Engliſh* Laws. Which ſuggeſts the very Reaſon why our Anceſtors have, in all Ages, from Time to Time, been ſo zealous, careful and unanimous in the Preſervation of the antient Laws and Cuſtoms of this Realm: And gave an ingenious Foreigner occaſion to ſay, "That *England* is a kind of little World of itſelf; whoſe "Inhabitants boaſt of an original Freedom of Birth, "which is not ſo much as dreamt of in all the Dominions "of any invincible Sultans:" and notwithſtanding this Nation has been ſeveral Times invaded and ſubdued by the *Saxons*, *Danes*, and *Normans*; yet he remarks further, "that thoſe Revolutions and Submiſſions were "brought about rather by Compromiſe, than by Extre-"mity of War:" Or, if it has been called *a Conqueſt*, the Victors have been forced to yield to the vanquiſhed, in aſſuring to their ancient Laws, Privileges and Cuſtoms, which the *Engliſh* call their *Birth-right*. In Defence of which the Zeal of our Anceſtors hath been continually hereditary to ſucceeding Generations. For which we need look no further back than to the Meaſures taken to ſettle the Crown in the auguſt Houſe of *Hanover*; for the Preſervation of our Religion, Laws and Liberties.

Happineſs of our Conſtitution.

Let us then not only applaud the Watchfulneſs and Firmneſs of our Anceſtors in the Cauſe of Liberty; but imitate the Courage of thoſe glorious and immortal Patriots, who, from the earlieſt Accounts of our Monarchy,

have oppoſed the Encroachments of a bad Adminiſtration upon thoſe Laws and conſtitutional Liberties; which are ſo exquiſitely compoſed, that we may challenge the whole World to ſhew ſo equal, and ſo happy a Conſtitution of Government, as is this Day in *England*. Our Legiſlators, from the Foundation of this Monarchy, which we can trace for ſo many hundred Years, have wiſely picked out the *Good*, that could be found in all other Governments, but ſhunned the Extremes. Hence it is, that in *England* the People enjoy and exerciſe their Liberty without a *democratical* Confuſion and Fury. The Nobility have all the Privileges, to which *Ariſtocracy* itſelf could entitle them, without the Neceſſity of running into Factions and Cabals for it. And the *King's Power* is ſo equally ballanced between the two former, that the regal Power can hardly ever degenerate into Tyranny: Neither while he governs by Law can the King ever want Authority to protect, and puniſh, or means to reward Virtue, and to diſcourage Vice; which are the grand Objects for which civil Government was firſt inſtituted.

Of the DIVISION *of* ENGLAND *into* COUNTIES, *&c.*

Diviſion. THIS Realm, thus conſtituted, is principally divided into *Counties*, *Biſhopricks*, and *Circuits*.

Counties. There are at this Time *forty* Counties in *England*, viz. *Berkſhire*, *Bedfordſhire*, *Buckinghamſhire*, *Cambridgeſhire*, *Cheſhire*, *Cornwall*, *Cumberland*, *Derbyſhire*, *Devonſhire*, *Dorſetſhire*, *Durham*, *Eſſex*, *Glouceſterſhire*, *Hampſhire*, *Herefordſhire*, *Hertfordſhire*, *Huntingdonſhire*, *Kent*, *Lancaſhire*, *Leiceſterſhire*, *Lincolnſhire*, *Middleſex*, *Monmouthſhire*, *Norfolk*, *Northamptonſhire*, *Northumberland*, *Nottinghamſhire*, *Oxfordſhire*, *Rutlandſhire*, *Shropſhire*, *Somerſetſhire*, *Staffordſhire*, *Suffolk*, *Suſſex*, *Surry*, *Warwickſhire*, *Wiltſhire*, *Weſtmoreland*, *Worceſterſhire*, and *Yorkſhire*, which ſend up eighty Knights to repreſent them in Parliament.

Biſhopricks The Number of *Biſhopricks* are two *Arch-Biſhopricks*, called the Province of *Canterbury*, and the Province of *York*: And twenty-one *Biſhopricks*, viz. *London*, *Durham*, *Wincheſter*, *Ely*, *Norwich*, *Hereford*, *Saliſbury*, *Peterborough*,

rough, *Carliſle*, *Oxford*, *Rocheſter*, *Lincoln*, *Exeter*, *Worceſter*, *Chicheſter*, *Litchfield* and *Coventry*, *Briſtol*, *Glouceſter*, *Worceſter*, *Cheſter*, *Bath* and *Wells*. Of which *Durham*, *Carliſle* and *Cheſter*, are in the Province of *York*; the other, together with the four *Welch Biſhopricks*, *viz. St. David's*, *Landaff*, *St. Aſaph* and *Bangor*, are in the Province, or ſubject to the Juriſdiction of *Canterbury*.

Archiepiſcopal Juriſdiction.

The two Archbiſhops have a Superintendency over all the Church of *England*. But with this Diſtinction, the Archbiſhop of *Canterbury* is *Primate of all England:* The Archbiſhop of *York* is no more than *Primate* of *England:* And under this Diſtinction of Title the Archbiſhop of *Canterbury* has a Right to ſummon the Archbiſhop of *York* to a Convocation or national Synod. And though all other Biſhops write themſelves *divina permiſſione Epiſcopus*, or *by divine Permiſſion* Biſhop: The Archbiſhop of *Canterbury* writes himſelf *divina Providentia*, i. e. *by Divine Providence*; and in the royal Writs directed to him he is ſtiled *Dei gratia Archiepiſcopus*, i. e. *by divine Providence Archbiſhop*. It belongs alſo to him to crown the King, to conſecrate Biſhops, and to call provincial Synods, according to the King's Writ directed to him for that Purpoſe. The Biſhop of *London* is accounted his provincial Dean: The Biſhop of *Wincheſter* his Chancellor; and the Biſhop of *Rocheſter* his Chaplain. And he has Juriſdiction in ſeveral Courts to decide Differences in eccleſiaſtical Matters. Of which in their proper Place.

Stile.

Stile of Biſhops.

The other Biſhops are ſtiled *Right Reverend*, and have the Title of *Lordſhip*. They are alſo called the *Lords Spiritual* and *Fathers in God*, with peculiar Prerogatives, even more than the Privileges of the Temporal Lords of Nation.

Epiſcopal Juriſdiction.

The Archiepiſcopal Juriſdiction extends over all his Province: Whereas that of a Biſhop extends no further than within the Bounds of his own Dioceſe. But they have one Thing in common. Their Courts, though held by the King's Authority, are not deemed to be the King's Courts; they being ſummoned not in the King's Name, but *Teſte* the Biſhop: And the Biſhop is the ſole Judge of his own Court, with Power to delegate his Authority to another Biſhop, or to his Chancellor, or Commiſſary. Which no ſecular Judge can do.

Circuits. There are only ſix *Circuits*; ordained and regulated by King HENRY the Second, for the ſpeedy Diſpatch of Juſtice, according to the Cuſtom obſerved by *Samuel*, who is recorded in 1 *Sam.* vii. 16. to have gone from Year to Year in Circuit to *Bethel*, and *Gilgal*, and *Miſhpeth*, and judged *Iſrael* in all thoſe Places.

1. The *Home-Circuit* includes the five Counties of *Eſſex*, *Hertford*, *Kent*, *Surry* and *Suſſex*.

2. The *Norfolk-Circuit* includes *Bucks*, *Bedfordſhire*, *Huntingdonſhire*, *Cambridgeſhire*, *Suffolk*, and *Norfolk*.

3. The *Oxford-Circuit* includes *Oxfordſhire*, *Berkſhire*, *Glouceſterſhire*, *Worceſterſhire*, *Monmouthſhire*, *Herefordſhire*, *Shropſhire*, *Staffordſhire*.

4. The *Midland-Circuit* includes *Warwickſhire*, *Leiceſterſhire*, *Derbyſhire*, *Nottinghamſhire*, *Lincolnſhire*, *Rutlandſhire*, *Northamptonſhire*.

5. The *Weſtern-Circuit* includes *Hampſhire*, *Wiltſhire*, *Dorſetſhire*, *Somerſetſhire*, *Devonſhire*, *Cornwall*.

6. The *Northern Circuit* includes *Yorkſhire*, *Durham*, *Northumberland*, *Lancaſhire*, *Weſtmoreland*, *Cumberland*.

Aſſizes. All theſe Counties have their Aſſize twice in the Year, *viz.* in *Lent*, after *Hillary* Term, and in the Summer after *Trinity* Term; except *Durham*, *Northumberland*, *Cumberland*, and *Weſtmoreland*, which, on Account of the Ways in thoſe northern Parts having been found impaſſable with great Falls of Snow, have Aſſizes only in Summer.

Middleſex exempted. The County of *Middleſex* is not included in any of the aforeſaid Circuits, becauſe it is the Seat of the Supreme Courts of Juſtice; and the Trials at Law for this County are determined at *Weſtminſter-Hall*, by the 18 *Eliz.* ch. 12. which enacts, "That the Chief Juſtice of *Eng-*
"*land*, upon Iſſues joined in the King's Bench, the
"Chief Juſtice of the Common Pleas, and Chief Baron
"of the Exchequer, upon Iſſues joined in their ſeveral
"Courts, (or in their Abſence) two other Juſtices or Ba-
"rons ſhall be Juſtices of *Niſi Prius* for the County of
"*Middleſex*, and may ſit in *Weſtminſter-Hall*, or in the
"Exchequer within the Term, or four Days after for
"the Trial of Iſſues joined in the ſaid Courts reſpective-
"ly, and Trials in *Middleſex*, to prevent Interruption of
"Proceedings in the ſaid Court during the Term, and
"for the better Eaſe of the Freeholders of *Middleſex*.

Ely exempt. The City of *Ely* is alſo an exempt from Circuits. The Biſhop

Biſhop of *Ely* hath a Judge of his own, who holds the Aſſizes twice a Year for that royal Franchiſe.

The County Palatine of *Cheſter* is not comprehended in the Circuits. This County has a Chief Juſtice of its own, who exerciſeth the Commiſſion of Aſſize within that Palatinate. Cheſter exempt.

Theſe ſix Circuits are ſupplied by the twelve Judges: namely, two Judges upon each Circuit. For which Purpoſe, and to prevent any Contention amongſt thoſe Sages of the Law, about the Choice of the Circuits, they all meet, every *Hilary* and *Trinity* Term, at *Serjeant's-Inn*, and proceed in this Manner. The Chief Juſtice of the King's Bench makes his firſt Choice: The Lord Chief Juſtice of the Common Pleas chuſes next; and he is followed by the Lord Chief Baron of the Exchequer. Then the other Judges do each make their Choice according to their Antientcy, with this Reſtriction, that no one chuſes a Circuit within which he was born. Beſides, after this Choice amongſt themſelves, they wait on the King, and give his Majeſty an Account of their Circuits thus choſen; when the King either confirms or alters their Choice, as to him ſhall ſeem meet; and, gives them Inſtructions and Directions, for their Conduct and Proceedings in their ſeveral Circuits. And, in every *Trinity-Term*, the King grants a Warrant to the Biſhop of *Durham*, to iſſue out Commiſſions to the Judges appointed to ride the Circuit for that County, as the King grants to his Judges for other Counties; for after their Circuits are confirmed by the King, both in *Hilary* and *Trinity* Term, then the King grants Warrants to iſſue out their ſeveral Commiſſions in every Circuit, all which Commiſſions are bounded with that expreſs Limitation. "To proceed according to the Law and Cuſtom of *Eng-* "*land*, and not otherwiſe," which includes all, and extends the Law to all the Subjects. And theſe Commiſſions are (1) a Commiſſion of Oyer and Terminer directed to them and many others of the beſt Reputation in their Circuits: But in this Commiſſion the Judges of Aſſize are of the *Quorum*, ſo as without them there can be no Proceedings. This Commiſſion gives them Power to deal with Treaſons, Murders, and all Manner of Felonies and Miſdemeanours; which is their largeſt Commiſſion. (2) A Commiſſion of Gaol-delivery, directed only

Circuits how ſupplied.

Judges inſtructions.

Commiſſions for the Aſſizes.

only to the Judges themſelves, and the Clerk of Aſſize therein aſſociate; by which they are empowered and directed to deal with every Priſoner in Goal, for what Offence ſoever he be there. (3) A Commiſſion directed to themſelves only and to the Clerk of Aſſize, to take Aſſizes; by this they obtain the Name of Juſtices of Aſſize, whoſe Office and Duty is to do Right upon Writs called Aſſize, brought before them by ſuch as are wrongfully thruſt out, or deprived of their Lands. And this Commiſſion is looked upon with ſo much Jealouſy, that it was enacted by the 20 *Richard* II. ch. 3. "That no Lord, nor "other of the Country, little or great, ſhall ſit upon "the Bench with the Juſtices to take Aſſizes, upon "pain of great Forfeitures to the King." (4) A Commiſſion to take *Niſi Prius* directed only to the Judges and their Clerk of Aſſizes; by which they are called Juſtices of *Niſi Prius*. (5) A Commiſſion of Peace in every County of their Circuit. And by Virtue of this all the Juſtices of the Peace, having no lawful Impediment, are obliged to be preſent at the Aſſizes, and to attend the Judges, as Occaſion ſhall fall out, under the Penalty of ſuffering ſuch Fine as the Judges ſhall ſet on them at their Pleaſure and Diſcretion.

What is triable at the Aſſizes.

In Purſuance of theſe Commiſſions, all Offences from the higheſt Treaſon to the meaneſt Treſpaſs, or Breach of his Majeſty's Peace; and all private Actions, real and perſonal, between Party and Party, are heard and determined at the Aſſizes in every County on theſe Circuits; in order to ſave both Time and Expence to the People in perſuing their juſt and lawful Right.

What remains in regard to the Proceedings of Law on theſe Circuits, as that Account will come more properly under the *preſent State of the Law* in *England*, I ſhall refer the ſame for that Account hereafter; and proceed now to deſcribe the natural State of this Kingdom.

Of the NATURAL STATE *of* ENGLAND.

How to judge of a Country's excellency.

IN order to judge of the peculiar Value, and to form a right Idea of the true Character of any Country, we ought to conſider firſt the intrinſic and natural Advantages;

tages; and next the Conveniences of which it ſtands poſſeſſed; with Reference to its Safety from powerful Neighbours, Intercourſe with its natural Allies, and Commerce with the reſt of the habitable World. For, by a due Attention to each of theſe Points, joined with a perfect Comprehenſion of their Correſpondence and Connection with each other, we may be enabled to frame a right Eſtimate of the worth of any Country; that, to all intents and Purpoſes, being the beſt and moſt conſiderable, in which they all conſpire, and ſo in Proportion as they have more or leſs, either of natural Commodities or Conveniences for foreign Trade. But with this Remark, that though the firſt is of a real Benefit, yet the latter is of infinitely greater Service: For, it is very poſſible for Countries to be rich and fruitful in themſelves, yet the Inhabitants in general very poor; as in *Poland*, *Hungary*, and *Tranſilvania:* And a Country may in itſelf be mean and poor, and yet the Inhabitants ſhall be rich and proſperous by its Situation and their Induſtry, as in *Holland.*

There is a natural Affection and a laudable Partiality in all People for their own Country or Nation; and there is no doubt, but that the People of *England* have, in all Ages, had their Share of this Affection and Partiality; yet independent of this Diſpoſition, we may ſafely affirm, that with reſpect to *natural Advantages*, as well as other Excellencies, there are very few Countries that are bleſſed with greater than *Old England.*

What the natural State a Country.

In the *natural State* of *England* we comprehend the general Face of the Country; its Soil and Produce, Rivers, Lakes, Mineral Springs, Mountains, Foreſts, Timber, Fruits, Corn, Animals, Fiſh and Minerals.

Situation of Britain.

The Situation of this Iſland, with its Roots at the Bottom of the Sea, is expoſed continually to the Preſſure, and inexpreſſible Agitations of the northern and weſtern Ocean, and of the narrow Seas of the *Engliſh* and *St. George*'s Channels; and it being ſtill able to withſtand thoſe mighty Powers of Nature, leads us naturally to enquire into the Means of Providence, to which the Safety of the whole Nation is to be aſcribed, that it has not long ago been waſhed away or ſwallowed up.

Made to reſiſt the waves.

Let us view the Coaſt and we ſhall ſoon diſcover, that this Queen of the Iſlands and Garden of Europe is furrounded

rounded with mighty Bulwarks, equal to the Work, for which they were made to preſerve it from the Injuries of the circumambient Billows and raging Seas. What could reſiſt the Torrent of the great *weſtern* Ocean, which pours down with ſuch Rapidity and Violence upon the *weſt* Extremity of this Iſland, but a Land formed and defended as *Britain*, by the Almighty Architect, who laid its Foundation in the Sea, and ſaid to the Waters, *Thou ſhalt come thus far and no further*. The Land runs out like a Wedge, dividing the Waters into two great Channels, that empty themſelves into the northern Ocean, and the Point of that Wedge is guarded by the *Iſles of Scilly*; which are a Group of one hundred and forty-five Rocks, at the Diſtance of ſixty Miles from the Land's-End of *England*; and at the ſame Time checking the violent Reflux with which the Sea would return from the Bay of *Biſcay* into the *Iriſh* Sea and *St. George*'s Channel. The Strength of the Ocean thus broke by the *Scilly* Rocks, the Shore of *Cornwal* is prepared to reſiſt the Fury, with which the current tumbles into the Channels, on both Sides of that narrow Slip, which in one Place does not exceed four Miles from Sea to Sea. The *Lizard Point* ſecures the ſouth-weſt from the Chops of the *Engliſh* Channel, and Cape *Cornwal* takes off the Force of the Eddy and Current, that forces its way into *Briſtol* and *St. George*'s Channels: And in the Center between theſe two natural Guards rears up *St. Michael*'s *Mount*, a high Rock, which ſtands ſo cloſe to the Water-Edge, that it is often dry, and receives the laſt Impulſe of the Sea upon that ſmall Point of Land. And thus at every winding of the Channels, where the Preſſure and Force of the Seas bear againſt the Land, the like Proviſion has been made, to prevent the Misfortunes, that otherwiſe muſt frequently ariſe for want of a Stem to the inconceivable Fermentation of boiſterous and tempeſtuous Seas. Down the *Engliſh* Channel the *Ram's-Head* is a Break-water at the Entrance of *Plymouth* Harbour: The *Bolt-Head* and *Start Point* make the Weſt and Eaſt of a Promontory, that runs a conſiderable Way into the Sea, and by winding the Channel, covers the Shore towards the Eaſt from thoſe Dangers, that are incident from a ſtrait rapid Current. The north Shore of this County of *Devon* receives the ſame Advantages from *Hartland-Point* and *Bay-Point*, which cover it from

Nature of the Coaſt.

from thoſe Accidents that otherwiſe might happen upon a flat Country from the Current of that Channel, which runs from the weſtern Ocean up to *Briſtol*. The Coaſt of *Dorſetſhire*, the Iſle of *Wight*, *Suſſex* and *Kent*, is protected in like Manner from the overflowings of the Sea, where it has a ſtrong Current. Thus the *Race of Portland* covers the adjacent Country with high and inacceſſible Rocks: And *Peverel Point* and *Durſtone-head* ſecure the Bays and Harbours as far as the Iſle of *Wight*; where the *Needles* and *Dunnoſe* cover *Portſmouth* from the Hazards of Inundation: And the Current of the *Engliſh* Channel towards the *Thames* Mouth is driven off and greatly allayed by the ſeveral Capes of *Dungeneſs* and the South and North-foreland on the Coaſt of *Kent*.

The Coaſt from the *Thames* northward, waſhed by and expoſed to the *German* Ocean, is ſecured by a Ridge of Lands, which in a manner imbay that Ocean, and form a Channel on the moſt dangerous Part of the Coaſt for our northern Navigation; and the Billows, which threaten Deſtruction to a low Plain, are repelled from the Coaſt of *Suffolk*, *Norfolk*, *Lincoln* and *Yorkſhire*, by the Promontories, that extend themſelves into the Seas at *Orford*, *Eaſton*, *Winterton*, the *Spurn* and *Flamborough*.

Providence has made the ſame Proviſion for the Coaſt in *St. George*'s Channel. The chief Power of the Waters on that Side the Iſland falling upon the Principality of *Wales*, which Corner of the Iſland has been formed in every Part of it, with a View to defend the reſt from the Dangers of the Seas. The whole Country is almoſt a continual Chain of Mountains: And the Sea Shore ſeems deſigned for an impregnable Bulwark againſt the Fury of the *Iriſh* Sea and Weſtern Ocean. *Glamorganſhire* is protected by *Naſh-Point* and *Wormſhead*: *Pembrokeſhire* by *St. Goven*'s *Point*, and that dreadful Group of Rocks, called the *Biſhop and his Clerks*: *Cardiganſhire* by *Cardigan Point*, and *Merionethſhire* and *Caernarvonſhire* by *Sarnaback* and *Brayehilpult Points*: *Holyhead* and *Hilary Point* are the Cut-waters on the Iſle of *Angleſea*; which with *Ormſhead*, caſt off the Strength and Rapidity of the weſtern Current on the Coaſt. From *Denbighſhire*, *Cheſhire*, *Lancaſhire*, and *Weſtmoreland*, the Sea forms a capacious Bay (with the *Iſle of Man* in the Center between *England* and *Ireland*) as far as *St. Bees Head* in *Cumberland*,

land, the moſt northern County on this Side of *England*.

Face of the Iſland. Within theſe Bulwarks is contained the moſt delightful and fruitful Spot in the whole World: A Country abounding with fruitful Hills and Vallies. Champain Fields, incloſed Grounds, Arable, Paſture, and Meadow, and with Woods, Foreſts, Parks, and Chaces agreeably intermixed for Pleaſure and Profit: and the moſt dreary Waſtes or Commons, and horrible mountainous Aſpects are far from the dangerous, horrid and unpaſſable Condition of the howling Wilderneſſes, ſandy Deſerts, and barren Mountains in other Climates, inhabited by Beaſts of Prey, that Delight in human Fleſh, and by the moſt noxious and venomous Part of the reptile Creation: Scorched up with immoderate Heart, or pierced through by intenſe Froſt, and buried continually under Mountains of Snow, and Ice. For the Spirit of Improvement, which has animated the Natives of this Land for a Century paſt, has ſo ſpread its influence over the Surface, and into the Bowels of the Earth, that every Part of the Iſland is found improveable, and made to contribute to the Wealth and Strength of the whole Nation; and the Communication with the Center of Trade is open and eaſy from all Quarters.

The Air. There are indeed warmer and richer Climates, but very few ſo temperate, ſo wholeſome, and ſo pleaſant. The Air is not ſo cold in Winter, nor ſo hot in Summer, as in Countries on the Continent under the ſame parallel. Our Summers are moderately hot, and our Winters, for the moſt Part, are very tolerable, in reſpect to cold. So that the *Engliſh* are free, at leaſt, from thoſe Extremities, and enjoy all or the greateſt Part of thoſe Advantages, which are the boaſt of other Climates. The Winds ſet weſterly here, the greateſt Part of the Year, which are eſteemed the moſt heathful: Tho' the Spring is frequently troubled with the Eaſt and North-Eaſt Winds, which are often prejudicial to the Fruits of the Earth, and to the Health of the People.

Soil. The Soil perhaps differs in this Country more than in any other of a much greater Extent. We have almoſt every Kind of Soil within the Compaſs of our Iſland, and the Variety of the Soil contributes much to the Fertility of the Earth, and to the uſes, for which it is employed.

ployed. It is an Aſſortment not only of Clay, Gravel, and Sand; but of Clays, Gravels, and Sands of various Kinds, which by the Art and Induſtry of the Huſbandman correct, meliorate and fertilize each other, and contribute ſo greatly to the Conveniencies of Life, and to the working of ſome Manufactures, that it has been found neceſſary to prohibit their Exportation.

Produce. To enumerate the Produce of this Land minutely would be a moſt endleſs Taſk. For Corn of all Sorts, it has no equal. The Paſtures are capable of feeding the beſt Cattle and the moſt numerous Flocks and Herds of Sheep and Oxen in the known World. Our Sheep are the peculiar Glory of the Iſland, as their Wool is the grand Staple Commodity of the Nation. And the Breed of our black Cattle, eſpecially thoſe in *Lincolnſhire* and *Holderneſs*, are not inferior in Size, or any other way, to thoſe of *Dalmatia* or *Sclavonia*; and beſides their Fleſh, they yield a Variety of Commodities ſuch as Leather, Tallow, Horns, of great Utility both for the Employment of the Poor, and for the Conveniences of Life. The whole Land flows with Milk and Honey: And there is nothing required to make Life eaſy and comfortable, which is, or may not be produced on the Surface, and dug out of the Bowels of this Iſland. The invincible Navy, which, for Strength and Number of Ships, is not to be matched; and the Shipping uſed in the Merchant Service, whoſe Burthen is inconceivable; and all theſe built of *Engliſh* Oak, convey ſome Idea of the Goodneſs, as well as Quantity, of that Timber that grows in *England*, which is preferred before the Wood of other Nations of what Kind ſoever for its Aptneſs and Durableneſs for the Purpoſes of Navigation: And the continual Conſumption of Walnut-tree, Poplar, Maple, Aſh, Elm, and many other Species of Trees, in ornamental, domeſtic and other neceſſary Uſes convinces that our Country is as well ſtocked with Wood of its own Growth for to anſwer the Demands of the Natives, as any other Nation, and not ſubject to the bad Effects of thoſe Woods, which by covering or incloſing a Country deprive it of the Salubrity of the free Air, and lay the Foundation of fatal Diſeaſes.

The Improvements of late Years eſpecially, in the Cultivation of the Earth, have naturalized many of the Fruits,

Fruits, a great Variety of medicinal Plants, and ſome of the moſt valuable Productions of other Countries.

To contemplate the Soil and its Produce, under the Management of the Gardener, the Farmer, the Grazier, and the Planter fills us with Admiration. No Fruit, no Flower, no Shrub, nor Plant, whether imported from the hoteſt or coldeſt Climates; from the richeſt or pooreſt Soils, but are naturalized and introduced into our Gardens, which abound in Aſparagus, Colliflowers, Artichokes and Brockeli, Peas, French or Kidneys Beans, broad or *Windſor* Beans, and a Variety of other Pulſe; Cabbages, Onions, Turnips, Potatoes, Carrots, and Muſhrooms; Spinage, Lettuce, Endive, Cellery, and all Manner of raw and boiled Herbs for Man's Uſe. The Succeſſion of Beans, Peas, Potatoes, Turnips and other eſculent Plants, near theſe Places, where the Conſumption is great, and the Markets encourage the Huſbandman to labour, delight the Eye and rejoice the Heart; and the Art, with which the Tiller of the Ground prepares the Dung, Mould, and Compoſt, cleans, ploughs, houghs the Land, catches the Seaſon to ſow and reap, and prepares the Work of his Labour for the Market, demands the higheſt Commendation and Praiſe of that Claſs of Men, who by the Induſtry and Knowledge of the Nature of the Earth, provide Food both for Man and Beaſt; not only with all Sorts of Grain, and Hay; but with Clover, Cinquefoil, Trefoil, Lucern, and other Sorts of Graſs, by which the Farmers have of late Years improved their Lands to double and treble their Value. Again, where the Grazier occupies the Land, he challenges any one Nation upon Earth to produce either Beeves, Horſes or Sheep to equal the *Engliſh* in Delicateneſs of Taſte, in Service for the Uſe of Man, or in Value. No Kine yield the Quantity or Quality of Milk, as our Cows for Richneſs or Sweetneſs: No Oxen are ſo well fed, large and fat: No Mutton ſo delicious for Food, nor Fleeces * ſo rich for cloathing: Nor

Beeves, Horſes, Sheep.

* It is computed that there are twelve Millions of Fleeces ſhorn annually, which, at a Medium of 1s. 6d per Fleece, amounts to the neat Sum of 900,000l. Sterling, to be valued at five Times as much, when manufactured in a common Way.

Horſes ſo well-bred for Diverſion, or capable to perform the extraordinary Labour of Agriculture, and various kinds of Carriage, employed for Pleaſure and Profit, and in the ſeveral Branches of Trade and Manufactures.

Before we diſmiſs this Article, it will be be proper to produce the Calculation made by ſome of the greateſt Writers on the political State of the Nation, who compute that the Arable Lands ſown with Wheat in *England* annually, produce thirty-four Millions of Buſhels of that Grain for Exportation and home Conſumption, and about the ſame Quantity of Barley annually; of which twenty-three Millions of Buſhels are malted and brewed into Ale and Beer; three Millions of Buſhels malted alſo, and diſtilled into Spirits, and eight Millions for Bread, Seed and Exportation. Our Land is rather too good for Rye, and our People too dainty to eat Bread made of this Grain, where they can procure better. So thatRye falls very ſhort of the above Computation. But the vaſt Demand there is for Horſe-grain, ſuch as Beans, Peas, Vetches, and Oats, has induced our Farmers to grow as much of them annually, as they do of Wheat, Barley, and Rye, altogether: it being the common practice of Huſbandmen, to ſow the Land, which they employ one Year with theſe Kinds of Grain, with Horſe Corn the next Year, and to let the Land in their common Fields to lie fallow every third Year. Tho' he puſhes for a Crop every Year in thoſe incloſed Grounds, where there can be procured Dung to improve the Soil as he pleaſes. Quantity of Corn, &c.

Our Soil alſo is found capable of bearing Fruits of various Kinds, for it has been found that there are few Exotics but what will grow in *England*. The whole Country is well ſupplied with Apples, Pears, Cherries, Nectarines, Plumbs, Grapes, Gooſeberries, Currants, Strawberries, Raſberries, and a variety of other excellent Fruits. But the Quantity of Cyder and Perry made in *Herefordſhire* and *Devonſhire*, and other Counties, which has induced the Legiſlature to lay a Duty upon thoſe Liquors, is a Proof that the Orchards of Apples and Pears in thoſe parts are very large: And Cherrries abound in the ſame manner in *Kent*. Though our Grapes ſeldom ripen ſufficiently to Fruits.

make Wine, it muſt be here remarked, that our Houſewives know how to ſupply that Defect with the Juice of Currants, Gooſeberries, &c. Beſides the Liquor which is made from our Apples and Pears, contains a Body little inferior to white Wine and Champaign, and is more wholeſome and palatable, than the green Wines imported from the Banks of the *Rhine*.

Thus we ſee why our Paſtures, Gardens, and Fruits may be juſtly ſtiled excellent; and why Foreigners are ſtruck with Amazement at the Verdure of our Country. And we have before us a Country charmingly diverſified with ſpacious Plains, bountiful Hills, and fruitful Vallies: And though, in ſome Places, it ſwells into rugged Mountains, and even into a kind of Alpine Ridges, that run their rocky Courſe for many Miles together: yet we ſhall ſhew, that even theſe, though barren on the Surface, contain infinite Wealth in their Wombs, and pour out many noble navigable Rivers.

Minerals. Beneath this rich Surface is the Womb of Nature, pregnant and teeming with ſuch a Variety of *Minerals*, &c. as no Part of the Globe produces the like. One County has been famous for the beſt Tin Mines in the World, from the earlieſt accounts of Time, the *Greeks* and *Phœnicians* bearing Teſtimony, that they traded for Tin in *Britain*, and diſcovered that uſeful Mineral in the part now called *Cornwal*. Another Part of the Country affords Quarries of Free-ſtone, and ſome of Marble, particularly in *Derbyſhire* and *Devonſhire*; and near *Plymouth* there is a Sort, that reſembles the *Egyptian* Granate, and no Ways inferior to it, but in its great Hardneſs. The Mines of Alom, and the Salt Pits, which are found in *Northumberland* and *Cheſhire*, are very conſiderable: But the greateſt Treaſure is found in the immenſe Stores of Lead, Copper, Iron, and Pit and Sea Coal, which Providence, or the God of Nature, has laviſhly provided in thoſe Parts of the Nation, where other Fuel was not to be found; and ſo abundantly in the Counties of *Durham* and *Northumberland*, that the Coal-works in thoſe Places are, as it is thought, an inexhauſtible Magazine to ſupply *London*, and many other Places at home and abroad with that neceſſary of Life, called Pit and Sea-coal. There have been alſo diſcover-

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ed ſome Veins of Silver. But it has been more profitable to import the Mines of *Potoſi*, in return for the produce of our Soil, and the Fruits of our Induſtry, than to ſtarve the Poor, and cramp our Manufactures, by enriching a few with the Produce of a Silver Mine at home.

In the Bowels of the Earth again, we have a great Variety of uſeful Clays, ſuch as *Fuller*'s Earth, *Windſor* Loam, Tobacco-pipe Clay, various Kinds for the Uſe of Potters, Fullers, &c. and medicinal Earths; not to mention what is made uſe of for Tiles, Bricks, Plaiſter, Flooring, Ceiling, &c. a vaſt Variety of uſeful Stones; from Fire Stone, Lime Stone, &c. to Free Stone, *Purbeck*, *Portland*, and even Alabaſter and Marble: Minerals of many kinds, ſuch as Antimony, Lapis Calaminaris, black Lead, Jet, Chryſtal, Coperas, and thoſe Minerals and Metals already mentioned, and many others.

Various Sorts of Animals.

The live Stock upon theſe Lands is worthy of Obſervation; in which Article this Country ſtill carries the Preheminence above other Nations. For though other Countries produce a greater Variety of Animals, and perhaps greater Numbers, I am ſatisfied and convinced, from all the Accounts I have met with, that no Country can ſhew a better Stock of tame and domeſtic Animals, nor fewer Beaſts of Prey. I have already mentioned the Neat-cattle, Horſes, and Sheep. To theſe we ſhall now add Aſſes, Mules, and Goats, red and fallow Deer, Hares and Rabbets: And, to enumerate the feathered Tribe, the Country every where ſupplies the Markets with Plenty of Turkies, Geeſe, Ducks, common Poultry, and tame Pigeons, wild Geeſes, wild Ducks, Teal, Wigeons, Plovers, Pheaſants, and Partidges; in proper Seaſons Woodcocks, Grouſe, Snipe, Quail, and Wood Pigeons. The Eye is delighted with the beautiful Feathers of the Peacock, and the Ear with the melodious Notes of the Goldfinch, Lark, Linnet, Thruſh, Black-bird, Canary-bird, Nightingale, &c.

Birds.

Rivers.

The Fertility, Healthineſs, Profit, and Pleaſantneſs of theſe Lands is, in a great Meaſure, owing to the Waters, with which the Lands in this Kingdom are refreſhed. The principal Rivers are the *Thames*, *Medway*, *Severn*, *Trent*,

Trent, and *Humber*, the two *Ouſes*, the *Cam*, *Tees*, *Wear*, *Tyne*, *Darwent*. *Merſey*, *Dee* and *Avon*.

The Thames.

The *Thames* at its firſt riſing on the Confines of *Glouceſterſhire* is called the *Iſis*, which, in its Courſe towards *London*, receives the *Churne*, and in *Wiltſhire*, near *Letchlade*, unites with the *Colne*, where it becomes navigable. Then it receives the *Cherwell*, and at laſt it joins the *Thame* near *Dorcheſter*, and takes the Name of *Thames*, from *Thame* and *Iſis*. In this State the *Thames* paſſes by *Wallingford*, *Reading*, *Marlow*, *Windſor*, *Kingſton*, and *Richmond*, where it meets the Tide. From whence it continues its courſe Eaſtward, waſhes the Cities of *Weſtminſter* and *London*; divides *Middleſex* and *Surry*; is adorned with three of the fineſt Stone Bridges in the World, at *Weſtminſter*, *Black-Friars*, and *London*; becomes a Harbour to the Shipping of all Nations, which may ride as high as *London* Bridge; diſcharges itſelf into the Sea below *Sheerneſs*; divides the Counties of *Eſſex* and *Kent*; is properly decorated with large and populous Villages, ſeveral that equal Cities for their Bigneſs, Trade and Riches; and with elegant and ſumptuous Buildings, and Royal Yards and merchantile Docks for building Ships of any Rate or Burthen; as may be exemplified by the Royal Hoſpital of *Chelſea* College for decayed Soldiers: The Theatre in Renelagh Gardens, the Archbiſhop of *Canterbury*'s Palace at *Lambeth*, the Parliament Houſe, and *Weſtminſter* Hall, the Remains of White Hall, *Somerſet* Houſe, the Tower of *London*, and the Royal Hoſpital for decayed Seamen at *Greenwich*; the Borough of *Southwark*, with *Horſely Down*, *Rotherhithe*, *Deptford*, *Greenwich*, and *Woolwich*, on the South Shore; and the *Hermitage*, *Wapping*, *Shadwell*, *Ratcliff*, *Limehouſe*, *Poplar*, and *Blackwall* on the North of the River; and the royal Docks at *Deptford* and *Woolwich*.

Medway.

The *Medway* riſes in the *Weald* or *Wild* of *Kent*, towards the S. W. Point of that County, and receives the *Eten* at *Penhurſt*. Then dividing itſelf into five Streams it ſurrounds *Tunbridge*, and paſſing N. E. from thence it waſhes *Maidſtone*, and the City of *Rocheſter*, taking in many Rivulets in its Courſe; by which the *Medway* becomes very wide and deep, in ſo much that below the Bridge at *Rocheſter*, it is capable of ſwimming the greateſt Ships. Here it waſhes *Chatham*, another Royal Yard,

Yard, and becomes a Bed for the Royal Fleet of *England* to lie up in the Time of Peace. Then paſſing by *Guillingham* Fort, on the Weſt Shore, and *Upnor* Caſtle on the Eaſt-ſide, it enlarges its Banks, and, at laſt, forms the Iſle of *Shepey*, one of its Mouths, paſſing into the Ocean with the *Thames* at *Sheerneſs*, and the other about eight Miles diſtance, at *Shellneſs*. Near to this Iſland up the River, is the Station for the Ships obliged to perform Quarentine, and a little more towards the mouth of the *Medway*, is the anchoring place for the King's Ships, called *Black-Stakes*; facing which on the Weſt-ſhore are ſome Salt-works.

The *Severn* riſes in the County of *Montgomeryſhire* near *Plinlimmon-Hill*, and with a rapid Stream diſcharges itſelf with a vaſt and ſtately Mouth, like an Arm of the Sea, fifteen Miles broad, into the *Iriſh* Sea. In this Courſe the *Severn* waſhes *Llandois* and *New Town*; paſſeth by *Welch Pool*, where it becomes navigable, and takes in the *Tanot*, on the Borders of *Shropſhire*. Then it viſits *Shrewſbury*, *Bridgenorth*, and *Worceſter*. Below which, it receives a further Increaſe by the Conflux of the *Temde*, and likewiſe of the *Upper Avon* at *Tewkſbury*; hence it ſteers its Courſe to *Glouceſter*, and is again enlarged by the Junction of the *Wye* and *Uſk* near its Mouth, dividing *Monmouthſhire* and *Glouceſterſhire*. Severn.

The *Trent*, which riſes in the *Moorlands* of *Staffordſhire*, near *Mowcop* Hill, towards *Cheſhire*, and running S. E. by *Newcaſtle-Under-Line*, divides that County in two Parts, and receives the River *Saw* from *Stafford*, as alſo the *Tame* from the South, and the *Done* from the North of that County; then it turns N. E. on the confines of *Derbyſhire*, and paſſing by *Nottingham*, runs the whole length of that County; paſſes by *Newark*, as far as *Lincoln*, where being joined by the River *Dun*, they form the Iſland of *Axholm*; at the Tail of which Iſland, that is about ten Miles long, and five in breadth, being again united and enlarged by the Junction of the *Ouſe*, and ſeveral other Rivers towards the Mouth, the *Trent* diſembogues, and looſes its Name in the *Humber* at *Ankeborough*. Trent.

The *Humber*, is a River of that Capacity, as to carry the Appearance of an Arm of the Sea. This River does not claim any particular Spring for its Source; but is a Compound of many Rivers, which on this Side of *Eng-* Humber

land empty themſelves into this Channel. *Yorkſhire* lies on its North Bank; on the South lies *Lincolnſhire*. From *Yorkſhire* it receives the *Hull*, the *Ouſe* (which brings with it the *Derwent*, the *Swale*, the *Your*, the *Wharf*, the *Air*, the *Calder*, and the *Dun*) and the *Trent*, which alſo brings with it the *Darwen*, the *Manifold*, the *Stoure*, and many others. And from *Lincolnſhire* it receives the *Ankam*, with which the *Humber* forms a Mouth of about ſeven Miles wide, and runs into the *German* Ocean.

Ouſes. The *Ouſes*. There are two Rivers of Note that bear the Name of *Ouſe*: One that riſes at *Dane End*, above *Lutton* in *Hertfordſhire*; which by way of Diſtinction, and for its capaciouſneſs, is called the *Great Ouſe*. Entering *Bedfordſhire*, it waſhes the principal Town of that County, and paſſes by *Ely* to *Huntington*; above which it joins the *Cam* from *Cambridge*; receives the *Little Ouſe*, below *Little Port*, proceeds by *Downham*, and falls into the *German* Ocean at *Lynn Regis*. This is accounted one of the greateſt Rivers in *England*. The other *Ouſe* here mentioned, is a River that riſes in the North of *Yorkſhire*, goes alſo by Name of *Ure* and *Youre*, in ſome Part of its Current; divides the Weſt from the North Riding of *Yorkſhire*; Waters the City of *York*; receives the united Streams of the *Wharfe*, the *Are*, the *Caulder*, the *Don*, and the *Derwent*, and is itſelf ſwallowed up by the *Humber*.

Cam. *Cam*. The River *Cam* riſes in *Hertfordſhire*, runs N. E. through *Cambridge*, and gives Name both to that Univerſity and County, and having joined the *Ouſe* in the *Iſle of Ely*, their united Stream falls into the *German* Ocean, at *Lynn* in *Norfolk*.

Tees. The *Tees* is a Boundary between the Counties of *Durham*, and *Yorkſhire*, and takes its Courſe from Weſt to Eaſt, having its riſe in *Tweedale*, in the Weſt Extremity of the County of *Durham*; and, in its way paſſing near *Darlington*, and waſhing *Stockton*, falls into the *German* Ocean at *Yarm*.

Wear. The *Wear* riſeth alſo in the Weſt Quarter of the County of *Durham*, a little above *Stanhope*, and gives the Name of *Weardale*, or *Wardale*, to the Diſtrict in which it firſt takes its Courſe; proceeds Eaſtward to the City of *Durham*, where it forms a Peninſula with the

the greateſt Part of that pretty City in the Centre, and a Communication over three fine Stone Bridges; one of which called *Fammelgate* Bridge, on the North is much admired by Travellers for the vaſt Span of its Arch, and having formed a Harbour for Ships at *Sunderland*, this River diſembogues into the *German* Ocean at *Warmouth*.

Tyne. The *Tyne* ariſes in the Weſt Border of *Northumberland*, divides that County from *Durham*, waſhes *Hexam*, and, with the Addition of ſeveral Rivulets, becomes a ſpacious River, which waſhes and gives the Diſtinction to the Town of *Newcaſtle upon Tyne*. Here it is ſpanned by a noble Stone-bridge, and becomes navigable not only for Keels that go through Bridge to load Coals from the Steaths, but for Ships of conſiderable Burthen, which carry Goods and Merchandize to that Port. From *Newcaſtle* the *Tyne* proceeds to South and North *Shields*, and, between thoſe two Towns, forms a convenient Harbour for the Ships in the Coal Trade, which draw too much Water to load higher up in the River; and at a little more than a Mile below, it falls over a Bar into the *German* Ocean at *Tinmouth*: Where it muſt be remarked, that the *Wear* and the *Tyne*, are the Rivers, on whoſe Banks are dug thoſe vaſt Quantities of Sea or Pit Coal, which employ the great Number of Shipping, that bring them from thence to *London*, and other Places both at home, and in foreign Parts.

Tweed. The *Tweed*, which has its Source in *Tweedale*, a County in *Scotland*, divides the South and North Parts of this Iſland of *Britain*, or the two Kingdoms of *England* and *Scotland*, and a little below *Berwick*, it falls into the *German* Ocean.

Derwent. The *Derwent* or *Darwent* is a Name common to two Rivers in this Kingdom. One riſes in the Confines of the County of *York*, and running South divides *Derbyſhire* in two Parts. It receives the *New River* at *Bromford*: the *Wye* at the Diſtance of five Miles lower; the *Amber* at *Danfield*, *Merton Brook* at *Derby*, and is itſelf loſt in the *Trent*. The other is a River which riſes on the Eaſt Border of *Cumberland*, and running thro' that County, paſt *Cockermouth*, becomes navigable at that Town for Ships of large burden, and forms a convenient Harbour on the Coaſt of the *Iriſh* Sea, into which the *Derwent* empties itſelf.

Merſey. The *Merſey*, riſing from the Hills in the Weſt riding of *Yorkſhire*, and taking its Courſe from the South Eaſt to the North-weſt, enters *Cheſhire*, and dividing that County from *Lancaſhire*, waſhes *Stockport* and *Warrington*; below which Town, having been enlarged by the Conflux of the *Bollin*, the *Weaver* and ſeveral Rivulets, the *Merſey* forms a kind of a Bay, and opens like an Arm of the Sea for ſeveral Miles, narrowing itſelf again, in its Courſe to *Liverpool*, where it falls into the *Iriſh* Sea.

Dee. The *Dee*, which divides *Flintſhire* from *Cheſhire*, riſes in *Merionethſhire* in *Wales*, from the Lake *Llyntegid*, and is called *Fridwy* by the *Welch*; and taking a North-weſt Courſe, it receives the River *Alwen*, and paſſeth into *Denbighſhire*, and becomes a boundary between that and *Shropſhire*, admitting the River *Keriog*, another of its Boundaries: then paſſing by *Bangor*, the famous old *Welch* Monaſtery, the *Dee* enters *Cheſhire* at *Shocklidge*; and waſhing the Walls of the ancient City of *Cheſter*, it makes a great Haven, widening down to the River's Mouth, which runs into the *Iriſh* Sea at *Parkgate*, or *Dee Mouth*: and has been, within a few years, greatly improved by a Canal cut, and made navigable on the *Welch* Shore, for Ships of burden as high as the City.

Avon. *Avon* is the laſt River of any note to be mentioned; and it is that, which, by way of Diſtinction from others of that Name, and of leſs Note, is called the *Lower Avon*; and runs Weſt from the Eaſt extremity of *Wiltſhire*, taking in its way *Chippenham* and *Bradford*, and receiving ſeveral Rivulets. From thence proceeding to *Bath*, the *Avon* * divides *Somerſetſhire* from *Glouceſterſhire*, continues its Courſe to *Briſtol*, forms a ſecure Haven for that Port, and falls into the Mouth of the *Severn*, a little below that City.

Their Utility. By this Deſcription of the principal Rivers, it is eaſy to form a proper Judgment of their Utility; which, at ſuch ſhort ſtated Diſtances, beſides many other leſs conſiderable Rivers, that are navigable at their Mouths, furniſh the Convenience of Water-carriage, and thereby contribute to domeſtic Trade, and that happy Intercourſe between all Parts of the Iſland, which communicates it Bleſſings from Town to Town, County to County, opens Trade and Navigation with the whole World, in ſuch an extenſive and beneficial Manner, that no Pen can delineate, no Words can expreſs the Advantages

tages our manufacturing Towns, in every Part of this Kingdom, have found from the Rivers and Rivulets made navigable within this Century; much leſs be able to compute the Riches, which continually arrive in thoſe Rivers from diſtant Parts of the World. And theſe Ports are not only thronged with Shipping, but are remarkably ſecure againſt Storms and Tempeſts.*

But this is not the only thing to be conſidered, as we have ſhewn the Produce of the Land, it will be proper alſo to ſhew the Produce of the Waters, within and about this Kingdom.

Our Rivers are well ſtocked with Salmon, Perch, Tench, Carp, Trouts, Pike or Jack, Eels, Smelts, Mullet, Gudgeons, Roach, Dace, Place, Flounders, and a variety of other Fiſh, that are merely local, and delicious in their Kind, amongſt which we may reckon the *Charr* a native of *Weſtmoreland*. But theſe are only providential ſupplies for inland Markets. The Mouths of thoſe Rivers, and the connecting Waters on the Coaſts of this Kingdom, are ſtored with Cod, Ling, Haddock, Turbot, Soals, John Dorees, Mackarel, Whitings, Hollybut, Skate, Thornback, Maids, Dabs, Herrings, Pilchards, Oyſters, Lobſters, Scollops, Crabs, Prawns, Shrimps, Muſcles, and other Shell Fiſh; which conſidered either for the variety or quantity, that can be taken on the *Engliſh* Coaſt, will make it difficult to determine whether the Engliſh are better ſtocked by Land or by Water, with proviſions for Nouriſhment or for Luxury? whether their Land is more improveable than their Water? and whether they are not capable of finding as much Treaſure and Riches in the right management of their Fiſheries, as in the Tillage of the Earth, and their Manufactures? The eagerneſs with which theſe Fiſh are ſought after, and the Price ſome of them fetch amongſt the Rich and the Epicures; the variety and inexhauſtible produce of Fiſh, without the continual induſtry, ſkill and hazard we find in the Cultivation of Land, and the profits, that have been and are made, and might be improved in almoſt every Branch and Specie of the *Engliſh* Fiſhery, leaves no doubt to conclude that the Fiſheries of this Nation are an inexhauſtible Treaſure; that they are deſerving of our attention Fiſhery.

* There are ſeveral Lakes in England, and many artificial Canals, for the improvement of Midland Navigation now in execution by Authority of Parliament: but theſe ſhall be mentioned in their proper Places, in ſurveying the Counties.

as

as much as any Improvement by Land, and that they will amply pay the Expence and Labour, by which they are carried on, as may particularly be exemplied in the two articles of Herrings and Pilchards only, with the latter of which we carry on a very advantageous Trade from the Weſt of *England* to the *Straits* and *Mediterranean*; and the former, if it was duly preſerved and carried on, with a total Excluſion of the *Dutch* from fiſhing on our Coaſt, would be the beſt Nurſery for Seamen; a full employment for the Poor, and to the preſent conſiderable profits, add an increaſe of ten Million ſterling annually, which now the *Dutch* are ſuffered to draw out of, and from, our Coaſts by the Herring Fiſhery only. And the preference given in all Markets abroad, as well as at home to our Cod and Ling, when properly cured, points out a way to eſtabliſh a more advantageous Trade in thoſe articles, whoſe fund is as inexhauſtible, as that of Herrings; an Opinion not taken up of late years, but what the beſt Writers on the State of the *Engliſh* Nation have conſtantly animadverted. "The Sea, "ſays *Puffendorff*, in his Introduction to the Hiſtory of "the principal Kingdoms and States of *Europe*, is very "profitable to the *Engliſh*, ſince it produceth a great "Quantity of Fiſh, which are daily catched by the In-"habitants; though by the negligence and lazineſs of "the ancient *Engliſh*, who did not apply themſelves in-"duſtriouſly to fiſhing, they have loſt a great Part of "that advantage: But the *Netherlanders* have, from an-"cient times, made uſe of this advantage, and got vaſt "Riches by the Fiſheries of Herring and Cod." But, if we hearken to *Roger Coke*'s Treatiſe on the Navigation of *England*, he tells us, in the Preface to the fourth part, "That the *Engliſh* being oppreſſed in the *fiſhing* "*Trade*, by reaſon of paying ſuch great Duties, as were "impoſed by 1 *Eliz.* ch. 13, upon Goods imported for "Fiſh vended in foreign Trade above the *Dutch*: And "towards the latter end of her Reign, the people upon "the Coaſt expecting to reap a greater Benefit by the "*Newcaſtle* Trade, deſerted the Fiſhing-trade in foreign "Parts for white Herrings, Ling and Cod, which being "preſently poſſeſſed by the *Dutch*, they thereby ſo much "increaſed their Mariners and Navigation, as the *En-*"*gliſh* became looſers in both." And by the Preamble

Herring Fiſhery.

to

to an Act. 15 *Ch.* II. for regulating the Herring and other Fiſheries, it plainly appears, that whatever efforts the Government had made to maintain the Right of the *Engliſh* to, and to exclude the *Dutch* from the Herring Fiſhery, the *Engliſh* concerned in that moſt lucrative Trade, had by their bad Management and baſe proceedings in the ſalting, drying, and parting their Goods, brought the *Engliſh* Herrings into diſreputation, and thereby given their rivals in Trade, a moſt effectual advantage to ruin them in foreign Markets. Which I mention by way of caution to ſuch as at preſent intend to promote the Herring, &c. Fiſhery.

Laws relating to it.

The Wiſdom of this Nation in Parliament has often endeavoured to eſtabliſh and provide for the *Fiſhery*, by many good Laws for encouraging and regulating Undertakers or the Parties concerned therein, ſo as to render it advantageous to the Nation, and to continue it upon a good Foundation. Our Statute Books are full of thoſe Laws in the Reigns of ſeveral of our Princes, and many Proclamations and Charters have been iſſued and granted for thoſe Purpoſes. Some of our Princes have aſſerted and challenged their ſingular intereſt in, and their ſole Right and Title unto the Fiſhery of the *Britiſh* and *Iriſh* Seas, being convinced that therein they ſhould find a rich golden Mine. Amongſt the many Expedients to encourage Men of Fortune to undertake the working of this Mine on the Coaſts of this Iſland, a Charter was granted to *William* Earl of *Pembroke* and Company, wherein and whereby King *Charles* I. ordained *Lent* ſhould be obſerved by his Subjects; prohibited the Importation of foreign Fiſh, and engaged to take his Naval Supplies from the then Adventurers in the Fiſhing Trade. The Republick in 1654, when Sir *Phineas Andrews*, and Company, revived that Undertaking, were ſo well convinced of the Advantages to be derived from it, that the Salt uſed in the Fiſhing Trade, and neceſſaries of Cordage and other Naval Stores, were exempted from Cuſtoms and Exciſe; and Collections were granted and made in *London*, and other places, for building of Docks, Wharfs, Storehouſes, and renting of Ground for making, tanning, drying and mending Nets. In the Year 1660, *Simon Smith*, Eſq; obtained an additional Privilege, That all Commodities imported and returned for the Produce of Fiſh, ſhould paſs

Cuſtom

Formed into a Company.

Custom free. And we find in the next Year 13 *Car.* II. his Majesty constituted a Company by the Stile and Title of the Royal Fishery of *Great Britain* and *Ireland*, and vouchsafed to become Protector of it; with great Immunities and Privileges; amongst which the Fishermen employed under that Charter were exempt from arrests, and being impressed for his Majesty's Service: To raise Money by Lottery, and free Collections in Churches; and from all Victuallers, Inns, Alehouses, Taverns, Coffee-houses, and the like, were enjoined to take one, two, three, or four Barrels of Herrings yearly, at the Price of thirty Shillings per Barrel, until foreign Vent should be obtained to Perfection. And it was further granted and declared, That all other Privileges and Immunities should be granted unto the said Company, in future, as Experience should discover, for the better carrying on of that Business of the Royal Fishery, &c. A Company consisting of *James* Duke of *York*, the King's Brother, *Edward* Earl of *Clarendon*, and other Persons of great Worth and Distinction, with the King for their Protector, and in Possession of such Privileges and Immunities, was thought capable of carrying the Undertaking of the *British* Fishery to its utmost Extent in favour of their Country. But they who are acquainted with the History of those Times, the Opposition which the Earl of *Clarendon* met with at Court, and the Game the Duke of *York* was playing, to secure the Succession of the Crown to himself, will easily see that the leading Men in this Undertaking *had other Fish to fry*. By which means the Undertaking was continually suffering and neglected for two and twenty Years; when Sir *Edward Abney*, Knight, by a particular Agreement with the old Members, introduced a Set of new Undertakers, and forwarded a Subscription of 60,000*l.* and upwards, for the Support of the Herring Fishery. But King *Charles* the Second's Death, and the Troubles of the preceding Reign, became another Check to their Undertaking, of which the Parliament 13 and 14 *Car.* II. c. 28. declared that the public Honour, Wealth, and Safety of this Realm, as well in the Maintenance of Trade and Support of Navigation, as in many other Respects, doth, in a high Degree, depend upon the Improvement of the Fishery. Several Attempts were renewed to carry this grand Design

How it failed.

Its Advantages.

ſign into effectual Execution during the ſucceeding Reigns, and at preſent it reſts upon the Powers of an Act of Parliament paſſed in the Year 1749. By which there is a Company incorporated and inveſted with great Privileges by the Name of the *Free Britiſh Fiſhery*, ſo called, becauſe they are not veſted with any excluſive Power of Trade. But this promiſing Attempt, though at firſt ſupported with great Spirit by the Society, is ſunk by the ſame Fatality, that has ever attended the *Engliſh* undertaking, this ſo natural and profitable Employment; by which the *Dutch* for many Years have acquired great Fortunes, and at one Time ſupported their declining States.

So that there remains no more upon this Subject, than to wiſh well to the Fiſhery; to exhort thoſe who have undertaken it to perſevere; to pray for their Succeſs on a national Principle of public Advantage, and to point out the various Seaſons for this Work.

Seaſon for Herrings.

The Summer Fiſhing for Herrings begins about *Midſummer*, and continues to the middle of *Auguſt*.

The Winter Fiſhing for Herrings is from *September* to the middle of *November*, or ſomewhat later. And the Situation of this Fiſhery extends from *Boughneſs* in *Scotland* to the very Mouth of the River *Thames*.

For Cod and Ling.

The fiſhing for Cod and Ling is more general and extenſive. This is done upon the North-eaſt Coaſt of *England* from *Eaſter* to *Midſummer*: on the North and North-eaſt Coaſt of *Ireland* from *Michaelmas* to *Chriſtmas*: About *Padſtow*, and in the *Severn*, from *Chriſtmas* to *Midlent*: And about *White Haven* to the Coaſt of *Lancaſhire* from *Eaſter* to *Whitſuntide*: And the fiſhing for great Staple Ling, and many other Sorts of Fiſh, all the Year long.

Mineral Waters.

England is not only remarkable for the Variety of *Minerals* dug out of the Earth, but for many and extraordinary *Mineral Waters*; particularly at *Bath* and *Briſtol*; at *Scarborough*; *Buxton*, *Colham*, *Harrowgate*, *Tunbridge*, *Epſom*, *Acton*, *Northhill*, *Barnet*, *Hampſtead*, *Iſlington*, *Bagnigge*, *Pancraſs*, *Dog* and *Duck* in St. *George*'s *Fields*, in *Surry*, and at *Dulwich*, *Sydenham*, &c. of which more particularly, when we come to treat of the Counties and places in which each is ſituated.

Of

Of POPULATION, LABOUR, CARRIAGE, *and* ROADS.

IN this Survey of the Land, there is no Wonder that ſo amiable an Appearance either excites a ſtrong Affection in the Natives, or has Charms ſufficient to invite over Strangers, or to prevail on thoſe that come here, to continue and incorporate with us.

Population and the cauſe thereof.

The ſtrongeſt teſtimony in favour of any Country is the increaſe of its Inhabitants, which, for two Centuries paſt, has been prodigious in *England*, and is to be attributed to the inviting Proſpect of our Country, the Advantages of Trade, and to the ſuperior excellencies of our civil Conſtitution. For, by this Conſtitution, the pooreſt Subject is intitled to the ſame Freedom and Protection of the Law, as the richeſt and moſt noble; and every Man in his religious ſituation is allowed to worſhip God in his own Way, without Perſecution or Interruption. His Property is alſo ſecure; a Stranger here may employ his Money in what manner he pleaſes, and when either by induſtry or frugality he has augmented his fortune, he may do with it, what he thinks fit, while he lives, and leave it to whom he thinks fit, when he dies.

In moſt Trades the Maſters in our great Cities give conſiderable Wages, and Artiſts are as much encouraged by them, as in any Part of *Europe*; there are ſo many ways of getting Bread in this Iſland, and it may be eaten, when got, with ſo much pleaſure and ſatisfaction, that it is no wonder, moſt people return from abroad, when they have completed the Buſineſs they went for, from their native Country, or that Strangers reſort hither continually in ſuch crouds, *England* being bleſſed with every Quality required to render a Nation populous. For all external obſtacles to the increaſe of People, though they may appear in many different ſhapes, and ariſe immediately from a great variety of Cuſtoms and Inſtitutions, muſt center, at length, in this one fundamental Obſtruction, The great difficulties Men experience in procuring ſupport for themſelves, and their families. Which ſupport is always procured from a multitude

multitude of Commodities, with which *England* does abound.

But in order to form a true judgment of the great advantages that arise from a multitude of Commodities, we are first to consider with what Labour they are attained, and how this contributes to the Subsistence of incredible numbers of different ranks and degrees. We are to consider what prodigious swarms of people are maintained by Tillage, from the Land Owner or Possessor of the Soil, down to the Boys that hold the Plough, and the Women that glean in the Harvest. If we turn our thoughts to the Culture of *Saffron* in *Essex*, &c. we shall find that it gives bread to the inhabitants of several considerable Villages, and of some Towns. The same may be said of *Hemp* and *Flax*, before considered in the light of Manufactures, but only as Commodities; for they pass thro' a great variety of hands in their Cultivation and Dressing before they come to Market, as unwrought Commodities. We may carry our notions much higher, if we consider *Hops* in the same light; the planting, hoeing, weeding, polling, picking and drying of Hops, employ a multitude of hands, and constitute the chief Part of the riches of different and distant parts of the Kingdom. With respect to *Stone*, *Lime*, *Clay*, *Chalk*, and other things dug out of the Earth, they furnish a diffusive subsistence in every part of the Nation to great numbers; yet all these are but few, compared to those that get their bread in the *Coal-mines*, or are employed in *Salt*, *Copperas*, *Alum*, and other works of that nature. And, perhaps, all these taken together, yield in number to those who are subsisted by Minerals and Metals, and make up a vast body of robust, active, and stout people.

We may from here discern how *England* has increased in People and Wealth, and that the Labour, necessary to the procuring of Commodities, is in itself an advantage to a Country; as it furnishes employment for the Poor, creates a necessary intercourse between a vast variety of Artificers, occasions the erecting a multitude of Villages and some large Towns, at the same time that it renders the Proprietors of the Soil, from whence the advantages are raised, rich in property, and considerable in their influence. Advantages of Labour.

But

Of Carriage. But it is not only the advantage we receive from the natural produce of the earth, there are other benefits of great conſideration ariſing from Carriage, and from the Carriage of thoſe very Commodities ſent to market, which are ſtill greater and more conſiderable, than thoſe that have been already mentioned, as could be exemplified in moſt inſtances, though we ſhall confine ourſelves to theſe following: 1. In the Carriage of *Corn* to market, there are generally ſpeaking, four ſorts of people concerned, *viz. Corn-factors*, *Meal-men*, *Maltſters* and *Carriers*. The *Corn-factors* travel over the whole Iſland, to make the beſt bargain they can with the Farmers, and having their Correſpondence in moſt parts of the Kingdom, take the meaſures for conveying the Corn, they purchaſe to the place of its deſtination, ſometimes by land, and ſometimes by water-carriage. The *Mealmen* are theſe who ſend up Meal in barges to *London*, from all the Countries bordering on the *Thames*, or any navigable River running into the *Thames*, and by Sea from about *Chicheſter*, *Arundel*, and the coaſts of *Suſſex* and *Hampſhire*, to be ſold by Factors at *Queenhithe*, *Mark-lane* and other Markets. By which means the Millers in thoſe parts, grow up to be perſons of figure and property; and there are Mills upon ſome large Rivers near the Metropolis, let at three or four hundred pounds a Year. Maltſters, ſtrictly ſpeaking, are Manufacturers; but here let us conſider them merely as Purchaſers of Barley, a Commodity for which there are a variety of Markets at *Kingſton*, *Chertſey*, *Farnham*, *Windſor*, *Wickham*, *Reading*, *Wallingford*, *Abington*, where formerly were ſeen five hundred Waggons of Barley in the Market on a Day; but as this Trade has increaſed by the Conſumption made of Malt in the Diſtillery, the Markets have fallen off; which is owing to the method of dealing by Samples; ſo that inſtead of ſending his Waggons, the Farmer carries only a handful of Corn in a Money-bag; and whereas he formerly dealt only for the Quantity that came to Market, he now deals for his whole Stock at once. Which is a practice againſt the Laws for preventing Ingroſſing, Regrating and Fore-ſtalling the Markets; and prejudicial to the Public, as it is injurious to Market Towns; hinders that concourſe of People and Horſes, which a Market naturally draws; and is attended with

Of Corn.

other

other ill conſequences. As to the Carriers, their very name ſhews their Occupation: their number is great both by Land and Water; and their Method of ſubſiſtence is highly beneficial to Society.

2. The Carriage of *Coal* is ſtill more conſiderable. Coals at the Pit are commonly bought from ſeven to eight Shillings per Chaldron; but, by the time they come to the Conſumer, they frequently coſt ſix times as much and more; which is almoſt entirely owing to carriage. The *Newcaſtle* Coals are brought in Waggons upon ways made on purpoſe, that run in a wooden Frame, to a place upon the Wharf, called a *Steath*; and from thence ſhot thro' a hole into the Keels or Lighters: from the Keels they are thrown by Hand into Ships; from the Ships they are delivered by Coalheavers under the inſpection of Coal-meters into Lighters at *London*: conveyed in Barges to all the Towns up the *Thames*; and from thence to the inland places, they are carried in Waggons or Carts. And in theſe Towns and Places, the common price of a Chaldron of Coals is fifty Shillings or three Pounds. Therefore it is evident that multitudes are maintained by Carriage; and conſequently that it is of vaſt uſe to Society. Of Coals.

To conſider Carriage in another view: by *Water-Carriage*, Boat Builders, Bargemen, Watermen, Porters and other people are maintained; and numbers of Villages are built on the ſides of Rivers for their convenience, which by degrees improve into Towns. And if we inſpect the *Land-Carriage*, we ſhall find great numbers of Cart-wrights, Waggon-wrights, Wheel-wrights, Smiths, Collar-makers, &c. ſupported. A Breed of Horſes, which are ſet at an extraordinary value, is produced by this manner of Conveyance; and to the ſame Cauſe we owe our fine Turnpike Roads, made and maintained at a great Expence, and employing many thouſands in their Repairs; and the number of Inns and Villages, where theſe Carriages bait; and Market-towns, that form their reſpective ſtations in long Journies: in which are conſtantly employed a number of Coaches, Poſt-chaiſes, Waggons, Pack-horſes, &c. the whole Year round. Compute the value of theſe Carriages and Cattle; the wear and tare of the one, and the loſſes that neceſſarily attend the other; the number of perſons belonging to them; the Paſſengers that go with them, excluſive of goods; and Water-Carriage, its Advantages. Land-Carriage, its Advantages.

their Expences on the road; and we ſhall ſoon have an idea of the prodigious advantages, that ariſe from the internal or domeſtic Trade of this Kingdom: though after all, this is far from being conſiderable, when compared with the Profits of our foreign Commerce: but they mutually aſſiſt and promote each other.

Roads. Here we muſt add a few words concerning the *great Roads* of this Kingdom, in which we excel not only all other Nations in this age, but the Deſcription of the *Roman* Highways, in number, extent, and beauty. Water-carriage, tho' ſerving to many good purpoſes, cannot poſſibly be brought to anſwer all the removals of Manufactures, Corn, and Merchandize, travelling, communication and neceſſary means to carry on Trade, and to cultivate the Land. There muſt be Roads and good Roads to improve the Land, and to expedite Correſpondence and Commerce. The increaſe of Trade, and the difficulties the Huſbandman laid under to carry his Stock to Market, and to bring back Manure: the dangers that threatened Carriages, and the obſtructions, and great expence that Goods met, and were loaded with in the way from their Growth and Manufacture, to their places of deſtination, put our Fathers to work to erect Turnpikes and mend the Roads, to facilitate Land-Carriage throughout the Kingdom; and when that was completely affected, the wiſdom of the Legiſlature has preſcribed ſuch Regulations for heavy Carts and Waggons, as to make the very Wheels themſelves Rollers to preſerve and to conſolidate the Roads, in moſt parts of the Kingdom.

Of TRADE *and* MANUFACTURES.

Imports. FROM this account of the Natural State of *England*, we may be convinced that it produceth every Neceſſary and Convenience of Life; but beſides theſe, we have infinite Quantities of other Commodities, that make a part of our natural Riches imported from our Plantations and foreign Countries.

From the Plantations From our Plantations we have Sugars, Rum, Moiaſſes, Indico, Tobacco, Pimento, Ginger, Cocoa, and various Sorts of Drugs; Rice, Cotton, Peltry, or Furs; Pitch, Tar, Roſin, or Turpentine, Whale-fins, Train-oil,

oil, Fuſtick, Logwood, Walnut-tree Plank, Mahogany, Cedar, &c. To enumerate the number and variety of Commodities imported from foreign Nations would be endleſs: it may be ſufficient to ſay, that there is nothing ſeems ſo much to our advantage in Commerce, as the manufacturing of Commodities of foreign Growth, becauſe we, generally ſpeaking, purchaſe them either with Goods of our own that are incapable of being manufactured, ſuch as Corn, Salt, Coals, &c. or with our own Manufactures, that exceed in our home Conſumption: the diſpoſal of which is, therefore, ſo much clear gains to the Nation, and the bartering them for Commodities, is infinitely more beneficial, than if we brought home the Produce in Gold and Silver; becauſe, notwithſtanding theſe are intrinſic Riches, and the acquiring of them the ultimate view of all Induſtry and Commerce: yet the obtaining of them in this ſhort manner, would add nothing to the Stock of the Nation, in compariſon of what is added to it by our taking off raw Commodities, working up theſe, and thereby employing a vaſt number of hands. After which a very large proportion of theſe Manufactures are again exported, many of them perhaps to the ſame Countries, out of which the raw Commodities they are made of, were originally brought. From foreign Nations.

The raw Silks imported from the *Levant*, the *Eaſt Indies*, and *Italy*, are purchaſed by barter with the Manufactures of *England*; when brought hither they are dyed, ſpun, thrown, and then wove into Velvets, Satins, and into broad and narrow, plain and flowered Silks, Ribbons, Galloons, Fringes, &c. and ſo become *Engliſh* Manufactures. The like may be ſaid of Cotton, Cotton-yarn, Hair, &c. manufactured into Cottons, Fuſtians, Dimities and divers ſorts of *Mancheſter* Wares. And time would fail to relate the various Manufactures employed by Kid-ſkins, Elephants Teeth, Tin-plate, Clapboard, Wainſcot, Pipe-Staves, Hoops, Hemp, Iron, Copper, Beaver, *Spaniſh* Wool, Oil, Dye Stuffs, Sulphur, Salt-petre, &c. By which Sample it will appear, that we are more enriched by bringing home Commodities, than we ſhould be by having our returns in Gold and Silver. Of Raw Silk.

But the value of Manufactures will appear more conſpicuous, by comparing the Commodities to be manufactured with all the Conſequences that attend them in point of Labour and Carriage. It is this, which ſhews the ſuperio- Manufactures of Brick.

rity of Art over Nature; or rather the amazing improvement of the former on the latter. And there is hardly any thing of so little value in the world, which the industry of the *English*, under the direction of Art, cannot raise into price. Nothing is more contemptible in nature than Kennel-dirt in our Streets; yet this very dirt, under the name of *Spanish*, is prepared into a necessary Material in the making of Bricks, whereby the Kennel-dirt removed by the Scavenger as a nuisance, comes back to the very same place as an ornament, and lays the foundation of a Palace, some Years after, in the Streets, out of which it was raked and swept with contempt.

Paper. What is there so neglected or despised as Rags, unless it be the poor Wretches who are employed in picking them up? And yet even these get subsistence, and a livehood by that Employment. These Rags when picked, sorted and laid together, are preserved in Warehouses, that pay a considerable rent; and they are conveyed to distant parts by Land or Water at a much greater expence, part to manure the Land, and part to be made into Paper of different Sorts. By which means Rags of the same Quality, which within this Century sold at three Pounds per Ton, are now worth ten Pounds per Ton: of which it is computed that there is collected three thousand Tons yearly within the Bill of Mortality; which wrought up into Paper, employs a great number of hands, and amounts to a vast Sum of Money.

Horn. To these let us add the Manufacture of Horns, a Material almost as contemptible as those last mentioned. They are left to dry two or three Months; then they cut into fit lengths. In this form they are held with a pair of pincers over a small Wood Fire till they become pliable. Next they are cut length-ways, and being turned open by a Man, who holds a pair of pincers in each hand, they are extended till they are become almost flat; after which they are placed between two hot Iron-plates rubbed with Grease, and in this position thrust into a hole in the earth, upon which they place a wooden wedge; and this is beat with a mallet, till by pressing the Iron-plates, and remaining between them a considerable time, the Horn becomes perfectly smooth and flat. Thus prepared, the edges of the Horns are pared, and sold in Plates to Comb-makers, Spectacle-makers, &c. The very Shavings are sold

ſold for various Uſes by the Sack, and the round Pieces cut out by the Spectacle Maker, are ſold to the Turners to nail upon Mops. And ſuch parts of the horn as cannot be turned to theſe uſes, are converted into the Hafts of Knives, Ink-horns, drinking Horns, Gun-powder Flaſks, blowing Horns, Shoeing Horns, Spoons, and many other forms, both for conveniency and diverſion. So that we ſee the moſt contemptible things in nature, inſtead of being uſeleſs in the hands of induſtrious people, are converted into a variety of profitable uſes by the preſent State of our Manufactures; and what our Forefathers, and thoſe, who have not the Induſtry of the *Engliſh*, imagined to be worth nothing, ſupplies employment and ſubſiſtence to a multitude of families.

What then muſt we think of the *woollen* Manufacture, which is the ſtaple Commodity of the Nation? The woollen Manufacture, in its preſent State, is founded upon the two Commodities of Wool and Oil. The Oil comes from *Spain*, *Portugal* and *Naples*. The Wool is chiefly of *Engliſh* growth, but aſſiſted in ſmall quantities from *Ireland*, *Spain*, *Barbary*, and *Turkey*. Wool.

The *Engliſh* Wool being the ſubſtance of the whole Manufacture, we will trace it from its original. The Sheerer takes the Wool from the Sheep's Back, while the Creature is living; or the Fell-monger takes it from the Skin, after it is dead. This Wool is ſold to the Dealer or Woolſtapler; or ſometimes carried to Fairs or Markets and ſold to the Manufacturer. In whoſe hands it is firſt combed and carded, and then ſent about to ſeveral places to be ſpun, to the great advantage of the adjacent Villages and Counties. For it is computed that in *Dorſetſhire*, *Wiltſhire*, *Glouceſterſhire*, *Somerſetſhire* and *Hampſhire* only, there are above five hundred Thouſand families maintained by Spinning, excluſive of the Weavers, which at leaſt amounts to one hundred Thouſand. In *Leiceſterſhire*, *Northamptonſhire* and *Warwickſhire*, the Wool, as well as that in *Lincolnſhire* ſupplies the *London* Conſumption at the rate, as is generally computed, of five hundred Packs a Week; and the poor people in all theſe Counties are employed in Spinning: and there is another conſiderable Branch of this Manufacture in the North, whither part of the *Leiceſterſhire* Wool is carried; which, with the Wool of the Eaſt-riding of *Yorkſhire*, and that from *Durham*, on

the Banks of the River *Tees*, are accounted the fine Wools of thoſe Parts; and the laſt mentioned Sheep are the very largeſt in the Kingdom. The coarſer Wools from *Scotland*, *Lancaſhire*, *Weſtmoreland*, and *Cumberland* have their uſes alſo; for though they do not enter into the Compoſition of fine Cloaths, yet they make many other Cloaths and Things that produce a good price, and find always a conſtant and ready Money Market. Hence it appears how truly the Woollen Manufacture is eſteemed the great Staple of *England*. But this will be ſtill more apparent from the following Account of the particular Species of the Woollen Manufactures, and the Places, where they are chiefly made.

Species and Places where manufactured.

Broad Cloths, mixed or medley, are the Manufacture of *Wiltſhire*, *Somerſetſhire*, *Worceſterſhire*, *Devonſhire*, *Surry* and *Kent*.

Plain white Cloths for dying are made at *Saliſbury*, *Shrewſbury*, *Worceſter*, *Cirenceſter*, and all over *Glouceſterſhire*.

Narrow Woollen Cloths, commonly called Dozens, are made at *Leeds*, *Wakefield*, *Huthersfield* and *Bradford* in the Weſt Riding of *Yorkſhire*.

Druggets, Duroys, &c. are made in the Counties of *Berks*, *Somerſet* and *Wilts*.

Serges and light Stuffs at *Norwich*, *Norfolk*, *Spittlefields*, *Briſtol*, and *Darlington* in the Biſhoprick of *Durham*.

Rugs, Chair-coverings, Penniſtons, Half Thicks, Duffels, &c. are the Manufacture of *Cumberland*, *Lancaſhire*, and *Weſtmoreland*.

Blankets are made in *Oxfordſhire*; Flannels in *Saliſbury*, *Shrewſbury* and in many places in *Wales*, of which *Wrexam* is the chief Market.

Tammies, and a Variety of other Things, are made at *Coventry*; and a conſiderable Manufacture of Carpets is carried on at *Wilton* and *Kidderminſter*.

A vaſt Variety of leſſer Wares are made at *Mancheſter*.

Stockings of all Sorts are wove in *Leiceſterſhire*, *Derbyſhire*, *Warwickſhire*, and *Nottinghamſhire*; the beſt knit Hoſe in *Glouceſterſhire*, *Yorkſhire*, *Worceſterſhire*, *Somerſetſhire*, and *Wales*, and the very beſt from *Northampton*.

Kerſeys, or coarſe Cloths are made at *Bradford*, *Rochdale*, *Halifax* in *Yorkſhire*, at *Guilford* in *Surry*, and a particular kind in *Devonſhire* and *Somerſetſhire*.

Shalloons

Shalloons in *Northamptonſhire*, *Berkſhire*, *Somerſetſhire*, *Wiltſhire*, *Hampſhire*, and the Weſt Riding of *Yorkſhire*.

Bays of all Sorts at *Colcheſter*, *Bocking*, *Braintree*, *Witham*, *Coggeſhall*, in ſeveral other parts of *Eſſex*, and at *Mancheſter*.

Says are made chiefly at *Sudbury* in *Suffolk*.

Perpetuanas or Long Ells at *Tiverton*, and all over *Devonſhire*; at *Sudbury* in *Suffolk*, and at *Colcheſter* in *Eſſex*.

Frizes are made at *Worceſter*: Lindſey Woolſey Stuffs for Hangings and printing, at *Kidderminſter*.

It would exceed our bounds to enter into a particular account of the other capital Manufactures carried on in this Kingdom, after this manner, therefore, we ſhall proceed with a brief account of the uſes to which our Metals are converted, without pretending to particularize the places, where theſe Manufactures are carried on. Iron.

Iron is caſt into Cannon and ſmall Arms, Bombs, and hand Granades, Shells, Chimney-backs, Boiling-pots, Water-pipes, Iron Wares of various Kinds, Iron-plates, Bars and Retorts. Forged Iron is wrought into *Sheffield* and *Birmingham* Ware, ſuch as edged Tools, Knives, and Sciſſars, Cutlery Ware and Toys, Nails, Hinges, Hooks, Spikes, Locks and Keys of all Sorts and Sizes, Gun-locks, Razors, Surgeons Inſtruments, Clothiers Sheers, &c. Hammered Iron is wrought into Chains; Crows, Tiers for Wheels, Bulluſtrades, Rails, Gratings, &c. Bar Iron of various Kinds, &c. milled Iron is converted into Iron Hoops, and all kind of ſplit and flatted Work, as well as Wire of all ſorts and ſizes. Its Uſes.

The next example ſhall be in Tin. This Metal is caſt into Blocks for Exportation. It is alſo converted into Pewter, and wrought into Diſhes, Plates, Pots, Spoons, and a prodigious number of other things for domeſtic uſe. Tin.

Braſs and Copper when caſt, make Statues and Images. That ſort called Battery, becauſe it is afterwards hammered, ſerves for Pots, Kettles, and Saucepans. Black Latten is Metal prepared for Clock-work, Jacks, Engines. In Foundery Ware, it ſerves for Braſs Cannon, Mortars, &c. for Bells of all kinds, Pipes for Engines, Wheel and Mill-work; Braſs Cocks and Buttons, and for a vaſt variety of Toys and Ornaments for Harneſſes Braſs and Copper.

and Coaches, and Houſhold Furniture. Is is now becoming a faſhion to cover capital buildings with thin Copper.

Lead.

Lead is caſt into Pigs and Sows for Exportation; and whether milled or caſt, ſerves for a thouſand purpoſes. With Lead Churches and Houſes are frequently covered: and Pipes for the conveyance of Water, Ciſterns, &c. are beſt made of Lead. Lead is alſo caſt into Statues or Images, and into Bullets and ſmall Shot. Moulds are made of it for all kinds of earthen Ware, and the Letharge of Lead ſerves to glaze them. When calcined, the Painter uſes it for Colours; and it ſerves to mix with other Metals by way of Allay.

Glaſs.

To theſe we will add the Glaſs Manufacture. This Manufacture is to be conſidered under three Heads, *viz.* The fine Flint Glaſs, of which are made all ſorts of drinking Glaſſes, Cruets, Saltſellers, Mugs, Salvers, Phials for Apothecaries and Chymiſts, Retorts, *&c.* Decanters, Beakers, Plates, Diſhes, *&c.* Sconcers, Branches, and ſmall Ware, Toys, *&c.* as alſo Tubes, Spectacle Glaſſes, and Glaſſes for Microſcopes, Teleſcopes, *&c.* Of this Branch of the Glaſs Manufacture there are ſeveral Houſes at *Briſtol*, *Stourbridge*, *Sheffield*, *Nottingham*, *Newcaſtle upon Tyne*, and *London*; amongſt which that of Mr. *Ruſſel* on *Salt-petre Bank* near *London*, is counted to be the moſt perfect, and to ſurpaſs the Glaſs made in foreign Parts. 2. The Plate Glaſs: of which are made Looking-Glaſſes, Coach Glaſſes, Cabinet Glaſſes, and other particulars in and about Palaces, *&c.* of which Sort the only Manufactory now remaining is at *Vauxhall*, near *London*. But under this head we alſo rank Crown Glaſs uſed for Saſh-windows, glazing of Pictures, *&c.* For which there are ſeveral Manufacturies at *Newcaſtle*, *Briſtol*, *Stourbridge* and *London*. But that on *Cockhill*, at *Ratcliff*, near *London*, is in the greateſt Reputation. 3. Green Glaſs. This Sort is put to a Variety of uſes, and has a great Conſumption, and therefore accounted of equal Conſequence as the two former Sorts, and is carried on in making of Bottles at *London*, *Briſtol*, and *Newcaſtle:* In Cucumber and Melon Glaſſes at *London*, *Stourbridge*, and *Newcaſtle* upon *Tyne:* And in Window-Glaſs for Quarrels, *&c.* commonly uſed in Cottages, and the inferior houſes in country Villages.

Their Advantages.

To be convinced of the prodigious Benefits reſulting from every Kind of Manufacture, we need only make a journey

journey into any of the Counties, where they flouriſh, and we ſhall find Market-towns thick, and yet large, well built, populous and rich, ſurrounded with a number of Villages in a thriving Condition, as may be ſeen for twenty Miles round *Exeter* and *Norwich*; in the County from *Warminſter* to *Malmſbury* in *Glouceſter* and *Worceſterſhire*, where the white clothing Trade is the grand Manufacture. The ſame good proſpect is ſeen in *Warwickſhire*, *Staffordſhire*, and *Yorkſhire*, where the principal Seats of the Hard-ware and Cutlery Manufactures flouriſh: and about *Mancheſter*, *Leeds*, *Hallifax*, &c. where there is a mixed Variety of ſeveral Manufactures, in Woollen, Linen, and Cotton. There is the Town of *Hallifax*, for Inſtance, which has nothing to boaſt of extraordinary in point of its own Situation, or of the Beauty or goodneſs of the adjacent Country; yet this Town, which three hundred Years ago had no more than thirty houſes in it, and leſs than two hundred Inhabitants, and not above one thouſand two hundred Souls in the whole pariſh, which is near twelve Miles in Circumference, is now ſo enlarged by its woollen Manufactory, that it is not eaſy to know what to call it, whether Village, or Town, or City, for the houſes are ſpread almoſt over the whole Pariſh; and yet every houſe ſeems to depend wholly on itſelf; for each has its tenter-ground with Cloth, Shalloon or Kerſey in it: all the Men are buſy either at their Looms, in their Grounds, or at the Dye-vats. None of the Women are idle; nor even the Girls and Boys; for carding, ſpinning, and winding, employs them all. And it has been computed that by this Induſtry, no leſs than one hundred thouſand pieces of Shalloon have been made here, and ſent to Market every Year. And the number of People is ſo increaſed, that there are ſixty thouſand communicants in the pariſh; for whoſe conveniency there are ſixteen Chapels of Eaſe, and about fifteen Meeting houſes of different Denominations: and the Vicarage of *Hallifax*, by theſe means, is now the moſt conſiderable f r worth in the whole kindgom. Such are the effects of that Induſtry, which is ſupported by Commerce; and ſuch the difference between the preſent and paſt times.

This might be further illuſtrated by the like Inſtances in *Mancheſter*, *Warrington*, *Macclesfield*, *Leeds*, *Wakefield*, *Sheffield*, *Birmingham*, *Froome*, *Taunton*, and *Tiverton*; ſeveral

ſeveral of which, though not Corporations, (the chief Magiſtrate being no more than a Conſtable) yet, in number of Inhabitants, they may ſeverally vie with the City of *York*. Such are the great Effects and Advantages of the preſent State of our Manufactures.

Advantages of Navigation.

However, all our Manufactures muſt decay without *Navigation*. While we remained Strangers to Navigation, our Country was thin of People, we lived, as it were, upon the main Stock. A few ſtaple Commodities, and a very few Manufactures were all we had; and, when taken off by Foreigners, they furniſhed our Forefathers with what they thought fit, and almoſt at their own price. But when once the Navigation of this Kingdom began to thrive; when, inſtead of freighting other people's Ships, we bought and built Veſſels of our own, and our people began to take a liking to the Sea, the State of things was quickly changed; we brought home the Product of other Countries at a ſmall Expence, in compariſon of what they had coſt us before; and, by opening different Markets, we found means to vend what we carried out to much greater Profit. And it is by our progreſs in Navigation, that we have realized and ſecured the advantages Nature inveſted us with by our Situation. By this means every Harbour, every litte Fort, Inlet and Creek is become a new Benefit, as it opens a paſſage for what we want to ſend abroad, and an entrance to whatever we would bring home. Upon this depends Trade, and upon Trade the value of our Houſes, our Lands, and their Produce. Therefore it has been the chief Care of the Government,

Navy.

in the firſt place, to provide a Navy ſtrong enough to cope with all the World by Sea; to protect our Merchantmen traverſing the Ocean, and to defend our Coaſts, Iſlands, Plantations, and Settlements againſt Surprize and Hoſtilities; and to encourage the Navigation of Merchant Adventurers. So that at this preſent Time the royal Navy conſiſts of three hundred Sail of

Merchantmen.

capital Ships, and upwards. And the Ships in the Merchants Service are almoſt without number.

Commerce with Turkey.

With theſe Ships we carry on a vaſt extenſive Commerce, 1. To the Countries under the Dominion of the Grand *Signior*, our Merchants ſend Cargoes of Lead, Tin, Iron, Broad Cloath, and Long Ells, and ſome Bullion. For which they receive in return

Raw

Raw Silk in great Quantities, uſed as the Shute in the Manufacture of Damaſks, and other coloured Silks; and to make Stockings, Galloons, and Silver and Gold Lace. Hence alſo they bring Grogram Yarn, dying Stuffs of various kinds, Drugs, Soap, Leather, Cotton, Fruit, Oil, &c. 2. To *Italy* we export Tin, Lead, great Quantities of Pilchards, Herrings, Salmon, and other Fiſh; various Kinds of *Eaſt India* Goods; Broad Cloath, Long Ells, Bays, Druggets, Camblets, and other Stuffs; Leather, Hard-ware, and many other things. And in return we bring back prodigious Quantities of Silk raw, thrown, and wrought; Wine, Oil, Soap, Olives, dying Stuffs, *&c.* It is from this Country, and more eſpecially from the Territories of his *Sardinian* Majeſty, that we have the fine Silk called *Organzine*, which is thrown by an Engine much better than it can be done by Hand, of which there is one at *Derby*. That Prince, however, has taken care to preſerve to his Subjects this precious Commodity in its full extent: for we have no *Piedmont* Silk raw; and what we have, we pay for it with ready Money, and at a high Price. 3. To *Spain* we export Tin, Lead, Corn, *&c.* Pilchards, Herrings, Cod, and other Kinds of Fiſh; Broad Cloth, Druggets, Bays, Serges, and Stuffs of various Kinds, and a great variety of Goods made on Purpoſe for the Service of *New Spain*, to be re-ſhipped at *Cadiz* for *South America*. From thence we receive in return Wine, Oil, Fruit, Wool, Indigo, Cochineal, and the Balance in Specie or Bullion. 4. To *Portugal* we Export Tin, Lead, Corn, Fiſh, Broad Cloth, Druggets, Bays, Serges, Stuffs, Leather, Hard-ware, and many other Manufactures; and receive from thence Wine, Oil, Salt, Fruit; and as theſe are all, or the principal Commodities *Portugal* produces for foreign Trade, there remains a very large Balance to *Britain*, which is paid in Gold. 5. To *France* we export Tin, Lead, Corn, Horn Plates, great Quantities of Tabacco, ſome Flannels, and very little elſe of our Manufacture: for which we receive in return Wine, Brandy, Linen, Lawns, Lace, (Cambricks ſmuggled) and an infinite Quantity of other things, which are run in upon us, and for which the Smugglers export Gold, Silver, Wool, and whatever the *French* are pleaſed to order or direct. So that it is manifeſt, that the *French* Commerce is the moſt

With Italy.

With Spain.

With Portugal.

With France.

of

With Flanders. of all others, deſtructive to this Nation. 6. To *Flanders* we export Tin, Lead, and ſome Iron Ware, Sugar, Tobacco, Serges, Flannels and Stuffs. From whence we import Lace, Cambricks, Lawns, Linen, Tape, Thread, Incles, and other Goods of that Kind, to a very great Value. So that here the Balance of Trade is conſiderably againſt us, owing chiefly to their prohibition of *Engliſh* Cloth.

With Germany. 7. To *Germany* we trade with Tin, Lead, Sugar, Tobacco, Ginger, Pimento, *Eaſt India* Goods, all ſorts of Broad Cloth, and other woollen Manufactures, and with many other Commodities, raw and manufactured; In return we bring back Tin Plates, Linen, Kid-ſkins, and ſeveral other Things, as Pot-aſh, Wine, *&c.* but

With Denmark. the Balance of this Trade is much in our favour. 8. Our Trade to *Denmark* and *Norway* is very conſiderable: but we export very little, *viz.* a ſmall Quantity of Tobacco, ſome Sugar and Rum, and a few coarſe woollen Goods: and from thence we import incredible quantities of fine Timber of all Sizes and Dimenſions, and of Iron, the greateſt part of which is paid for in Specie; and what is a great Loſs alſo in this Branch, we ſuffer the *Danes* to bring the greateſt part of their Timber on their own Bottoms, by which the Nation is deprived of the Freight and of many uſeful Hands, and other Contingencies in Navigation; an evil which in a ſhort Time might be cured, was there proper Encouragement given for the Importation of Timber from *Nova Scotia*, and other parts of

With Sweden. *North America.* 9. We carry on the ſame looſing, on a much more diſadvantageous Trade with *Sweden*; where it is a Maxim of State, to beat out as much as poſſible all our Commodities and Manufactures, and make us pay ready money, in Gold and Silver, for their Iron, Copper, Tar, and other Naval Stores, to the amount of about three hundred Thouſand Pounds per Ann. But this Impoſition and ruinous Balance, it is to be hoped, will ſoon be removed by the Importation of the ſame kind of Goods at a more reaſonable rate from our own Plantations, which is much the ſame thing as having

With Ruſſia. them at home. 10. To *Ruſſia* we ſend a great Quantity of Tobacco, Sugar, Lead, Tin, coarſe Cloths, Long Ells, worſted Stuffs, Hard-Ware, wrought Plate, Cabinet-ware, and other Commodities, Goods and Manufactures, which are paid for in Tallow, Furs, Iron, Pot-

aſhes,

aſhes, *Ruſſia* Leather, Linen, Flax, Hemp, &c. and this Trade is managed by a Company, into which any Merchant may be admitted for a very ſmall Conſideration, and their Meaſures are found to be ſo highly beneficial to the Nation, that they never can incur the Cenſure of a Monopoly. 11. To *Holland* we trade with almoſt all the Commodities and Manufactures of the Nation, of our Plantations and Iſlands, and with the Goods we bring from the *Levant* and *Eaſt-Indies*; and in return we receive from thence prodigious Quantities of fine Linen, Threads, Tapes, Incles, Toys, Whale-fins, Braſs-Battery, Cinnamon, Cloves, Mace, Drugs, dying Stuffs, &c. Yet, with reſpect to the fair Trade we have a large Balance: the only doubt is, how far this advantage may be abated by the deteſtable practices of the Smugglers, who gain their Bread and raiſe their Fortunes by a ſteady purſuit of their private Intereſts, at the expence of the Publick; nothwithſtanding the ſevere Laws made to puniſh them both in Body and Goods. 12. With reſpect to *Africa*; that Trade does not only take off a vaſt Quantity of our Commodities and Manufactures; but it produces a large balance in Bullion from the *Spaniards*, as well as in Gold Duſt, Red Wood, Ivory, and other valuable Commodities, ſome of which are again re-exported. But above all it ſupplies our Plantations with Negroes, which is a thing of prodigious Conſequence. But of this Trade we ſhall be more particular in our Survey of the *Engliſh* Settlements upon the Coaſt of *Africa*. 13. The *Eaſt-India* Trade is ſuppoſed to exceed them all in Benefit to the Nation. For though they export Bullion, and the Trade is carried on by a Company with an excluſive right; it is urged, that there is no poſſibility of carrying it on by any other means; and that the Goods brought to *England*, and to *London* only, are bought at ſuch low Prices in the Country, and ſold here at ſuch high Rates; and that the Goods prohibited to be worne here, and obliged to be exported, do produce a Balance equivalent at leaſt to the Bullion that is ſent out to buy them. But of this Trade and Company more particularly in our Survey of the *Engliſh* Settlements in the *Eaſt-Indies*, &c.

With Holland.

With Africa.

With the East Indies.

It only remains to give ſome account of our *Plantation* Trade. It would be endleſs to recite the Imports and Exports between them and their Mother-Country, ſome

Plantation Trade.

ſome of which are already mentioned on p. 98; ſo that it will convey a much better Idea of the Advantages we reap by that Trade, ſhould we enquire, *firſt*, what Condition was *England* in before it had any Plantations? and then ſhew what its Condition has been ſince. At the Time Queen *Elizabeth* entered upon the Government, the Cuſtoms produced thirty-ſix thouſand Pounds a year At the *Reſtoration* they were farmed at four hundred thouſand Pounds, and they produced conſiderably above double that Sum before the *Revolution*. Again, the People of *London*, before we had any Plantations, and but very little Trade, were computed at about one hundred thouſand; at the Death of Queen *Elizabeth*, they were increaſed to one hundred and fifty thouſand, and are now above ſix times that number. In thoſe Days we had not only our naval Stores, but our Ships for Freight from our Neighbours. *Germany* furniſhed *England* with every thing made of Metal, even ſo low as Nails. Wine, Paper, Linen, and a thouſand other things came from *France*. *Portugal* furniſhed us with Sugars. All the Produce of *America* was poured upon us from *Spain:* and the *Venetians* and *Genoeſe* retailed to us the Commodities of the *Levant* and *Eaſt Indies*, at their own price. In ſhort, the legal Intereſt of Money was twelve *per Cent*; and the common price of Land was at ten or twelve years purchaſe. Our Manufactures were few and indifferent: the number of our Merchants was very ſmall; and our Shipping much inferior to what now belong to our Northern Colonies. Theſe are plain and certain Facts. But as ſoon as we began to extend our Trade, and to make Settlements abroad, our Affairs put on another Countenance; the Inhabitants of the City of *London* were doubled by the End of the laſt Period, and are again doubling before the End of this: Our Shipping increaſed in a greater Proportion: we coined within twenty Years after that Queen's Death above 5,000,000l. at the Tower; in twenty Years more, 7,000,000l. in the next twenty Years, 8,000,000l. which is an indubitable argument for a prodigious increaſe in the Balance of our national Trade. Then in regard to our Condition ſince we have had Plantations: we have from that Period altered for the better, almoſt to a degree beyond Computation and Credibility. Our Manufactures are prodigiouſly increaſed, chiefly by the demand for them in our Plantations,

tations, where they take off at leaſt one half, and furniſh us with many valuable Commodities for Exportation. Now, inſtead of taking the Quantities, we were wont to do, of certain Goods from other Nations, we actually export thoſe very Goods, and ſometimes to the very ſame Nations from whence we had been ſerved with thoſe Commodities. Sugar, Rum, and Tobacco are become the Sources of private Wealth and public Revenue, which would have been ſo many Drains to exhauſt the Treaſure of the Nation, and to beggar us, had they not been raiſed in our Plantations. Logwood is ſunk ſeventy *per cent.* Indigo and other dying Materials are in our own power, and at a moderate price. In ſhort, the advantages are infinite that redound to us from our *American* Empire, where we have at leaſt a Million and a Half of *Britiſh* Subjects, and about two thouſand Sail of Merchant Ships conſtantly employed: Such have been the Fruits, ſuch is the Condition of our Plantation-trade; for the better Improvement and Regulation of which the Government thought proper to erect a Board or Council of Trade and Plantations, and lately, a Secretary of State. But this Subject ſhall be more particularly purſued in our Survey of the *American* Colonies.

Poſt.

What contributes much to the Advantage of Trade is a regular, cheap, and expeditious Method of Correſpondence: which is performed in *England* by the *Poſt* and *Pacquet Boats* for Intercourſe of Letters, in a much better manner than in other parts of the known World. The Center of this Correſpondence or Intercourſe of Letters is judiciouſly fixed in *Lombard Street*, near the *Royal Exchange*, *London*, the Center of Trade and Commerce with all parts of the Univerſe. Here are two Poſt-Maſters General, under whoſe Direction and Government are all Deputy Poſt-maſters in *England*, *Scotland*, and *America*, and their Sub-Poſt-maſters; the Secretary and Clerks in the General Poſt Office; and the Penny Poſt-Office in *London*.

Poſt-office.

For the State of the Poſt-Office and Penny Poſt-Office, ſee *The General Poſt-Houſe* in the Account we ſhall give of it in the Deſcription of *London*.

The Regulation of the General Poſt Office is ſo well calculated and performed, that there is no conſiderable Market-Town in *England*, but has an eaſy and certain Con-

Conveyance for Letters to and from the ſaid Office, in the due Courſe of the Mails, every Poſt; and both the charge is eaſy, and the expedition very quick and convenient: for a Letter to any Part within the *Britiſh* Dominions is conveyed according to the following new Regulation by a late Act of Parliament.

Rates of Letters.

Letters between *London* and any Port within the *Britiſh* Dominions in *America*, (in which all his Majeſty's *Weſt-India* Iſlands are included) ſhall pay ſingle One Shilling, double Two Shillings, treble Three Shillings, the Ounce Four Shillings.

Letters, by Sea, from any one Port to any other Port within the ſaid Dominions, ſhall pay ſingle four Pence, double eight Pence, treble one Shilling: the Ounce one Shilling and four Pence.

Letters, by Land, to or from any chief Poſt-Office in *America*, from or to any other Part thereof not exceeding ſixty Miles from ſuch Chief Poſt-Office, or from the Office where ſuch Letters, not paſſing through a Chief Office, may be put in, ſhall pay ſingle four Pence, double eight Pence, treble one Shilling, the Ounce one Shilling and four Pence. And being upwards of ſixty, and not exceeding one hundred Miles within the ſaid Dominions, ſhall pay ſingle Six-pence, double one Shilling, treble one Shilling and Six-pence, the Ounce two Sillings. And being upwards of one hundred, and not exceeding two hundred Miles within the ſaid Dominions, ſhall pay ſingle eight Pence, double one Shilling and four Pence, treble two Shillings, the Ounce two Shillings and eight Pence. And for every Diſtance not exceeding one hundred Miles above ſuch two hundred, and for every ſuch further Diſtance within the ſaid Dominions, ſhall pay ſingle two Pence, double four Pence, treble Six-pence, the Ounce eight Pence.

No Veſſel ſhall be permitted to break Bulk, or make Entry in any Port within the *Britiſh* Dominions, where Poſts are or may be eſtabliſhed, until all Letters on board are delivered to the Poſt-maſter of ſuch Port (he paying the Bringer one Penny for each Letter) to be forwarded according to their reſpective Directions, except ſuch as are excepted by the Act of the Ninth of Queen *Anne*; and ſuch as may be brought by Veſſels liable to Quarentine, which laſt are to be delivered to the Perſons ſuper-

ſuperintending the Quarentine, for proper care, before they are forwarded by the Poſt. And that all Maſters, Mariners, Paſſengers, &c. neglecting to deliver the Letters as aforeſaid, ſhall for every Neglect forfeit twenty Pounds.

The Poſtmaſter ſhall take for every Letter brought by ſuch Veſſel, for any place within his Delivery, one Penny, above the Penny paid to the Maſter, or other Perſon for the ſame.

Letters conveyed in *Great Britain* and *Ireland*, not exceeding one Stage, ſhall pay ſingle one Penny, double two Pence, treble three Pence, the Ounce Four Pence. And in *England*, above one, and not exceeding two Stages, ſingle two Pence, double four Pence, treble ſix Pence, the Ounce eight Pence; but theſe Rates are not to affect the Penny Poſt.

Letters paſſing between *England* and *Ireland*, through *Carliſle*, *Dumfries*, *Port Patrick*, and *Donaghadee*, ſhall pay the ſame Rates of *Engliſh*, *Scotch*, *Iriſh*, and Packet Poſtage, according to the Diſtance or Number of Stages they are conveyed in each Kingdom, as are ſettled by the Act of the Ninth of Queen Anne, or by this Act.

No Packet exceeding the Weight of Four Ounces ſhall be ſent by the Penny-Poſt; unleſs coming from, or paſſing thereby to the General-Poſt.

Letters paſſing between *London* and *Hamburgh* ſhall pay as Letters between *London* and all other Parts of *Germany*, *viz*, ſingle one Shilling, double two Shillings, treble three Shillings, the Ounce four Shillings.

Any Officer of the Poſt-Office ſecreting or deſtroying any Letter, Bag, or Mail of Letters, containing any Bank Note, Bill, or other Paper, Writing, or Order for the Payment of Money; or ſtealing out of any Letter any ſuch Bank Note, Bill, &c. on Conviction, ſhall ſuffer Death as a Felon.

Any Perſon robbing a Mail, in any place or in any manner whatſoever, although it may not appear that any one was put in fear by ſuch Robbery, ſhall, on Conviction, ſuffer Death as a Felon.

Any Officer of the Poſt-Office, entruſted to take in Letters, and receive the Poſtage thereof, embezzling the Money received, or deſtroying the Letters; or any Officer advancing the Rates on Letters, and not ac-

counting for the advanced Poſtage, ſhall, on Conviction, be deemed guilty of Felony.

Any Poſt-boy having a Mail or Bag of Letters under his Care, deſerting the ſame before his Arrival at the next Stage; or ſuffering any other Perſon to ride on the Horſe or Carriage along therewith; or loitering on the Road: or not, in all poſſible Caſes, conveying the Mail after the Rate of ſix meaſured Miles an Hour, ſhall, on Conviction, before one Juſtice of the Peace, be ſent to the Houſe of Correction for any Time, not exceeding one Month, nor leſs than fourteen Days.

Any Poſt-Boy, ſingle, or in Combination with others, unlawfully collecting, or conveying Letters, or cauſing the ſame to be unlawfully conveyed, ſhall, on Conviction, before one Juſtice of the Peace, forfeit ten Shillings, to be paid to the Informer, for every Letter ſo unlawfully collected, conveyed, or delivered. And if the Forfeiture is not immediately paid, ſhall be ſent to the Houſe of Correction, for any Time not exceeding two Months, nor leſs than one Month.

All Rates of Letters, and all Forfeitures, mentioned in this Act, ſhall be paid in Sterling Money of *Great Britain*.

Regulations of the Poſt.

The Expedition by Land is ſo great and well aſcertained, that the Poſt goes ſix Score Miles in twenty-four Hours; ſo that an Anſwer may be expected regularly in five or ſix Days from any place not exceeding three hundred Miles in Diſtance. And the Poſt Days from *London* to any Part of *England* and *Scotland* are fixed to *Tueſdays*, *Thurſdays* and *Saturdays* from *London:* and the Returns are certain on *Mondays*, *Wedneſdays* and *Fridays*, provided the Mails meet with no Accident or unforeſeen Obſtruction. To *Wales* and *Ireland* the Poſt-days are only *Tueſdays* and *Saturdays* from *London:* and the Returns from *Wales* are regular on *Mondays* and *Fridays*, but uncertain from *Ireland*, becauſe that Poſt depends ſomewhat upon the Wind and other caſualties by Sea.

When the Court reſides in the Country, the Poſt goes every Day to the Place of the Royal Reſidence. The ſame intercourſe is ordered to be daily, except *Sundays*, with the Counties of *Eſſex* and *Kent*, and with the *Downs*, *Spithead*, and other Ports, where the Royal Fleet is ſtationed.

For

For foreign Intelligence, the Packet is made up for *France*, *Spain* and *Italy*, on *Mondays* and *Thurſdays*: for *Holland*, *Germany*, *Denmark*, and *Sweden*, on *Tueſdays* and *Fridays*; and for *Flanders* on *Mondays* and *Fridays*. Foreign Poſt.

The Conveyance of Letters over Sea to foreign parts, and to *Ireland* and our Iſlands and Plantations, is performed by Pacquet Boats, which are alſo under the Management and Direction of his Majeſty's Poſt Maſter General, who have a Power to appoint what number they pleaſe, and to ſtation them as they ſee proper.

Under all theſe Advantages Trade would ſink, and Commerce would be at a ſtop, was there not a ſufficient Fund of Riches, or Supply of Money, to anſwer all the Demands of this extenſive Trade and Commerce. Yet, if we inſpect our Manufactures, we ſhall be loſt in Admiration whence the Money can be collected to provide, and to pay for them; and again our Amazement ſhall increaſe to find ſo many and great Reſources for Riches; by Art and Induſtry. *England* is the Magazine of all the Neceſſaries and Conveniencies of Life, the Storehouſe of Plenty, and the School of Invention; which purchaſe and draw to their Center the Riches of the *Indies*; the Gold of *Brazil*, and *Guinea*, and the Silver of *Peru* and *Mexico*. And which, for the Purpoſes and Conveniencies of Trade and Commerce, are again diſperſed in Coin, Bank Notes, and Government Securities. Money the Baſis of Trade and Commerce.

The Coin is computed at twenty Millions, and is made of the beſt Gold and Silver; and the Gold is computed at eight Millions, and conſiſts chiefly in Guineas, Half Guineas, and Quarter Guineas; though there are two Guinea, and five Guinea Pieces, which are oftener ſeen in the Collections of the Curious, than in the common Currency amongſt Merchants and Tradeſmen. The Silver Coin is computed at twelve Millions, and is divided into Crowns, Half Crowns, Shillings, Sixpences, Groats, Threepences, Twopences, and Pennies; and there is alſo a nominal Species of Money, known by the Name of a Pound, or twenty Shillings. We have alſo a current Coin for Market-uſe made of Copper, divided into Halfpence and Farthings. And what cannot be reduced to Coin, when demanded for Value received, muſt fail. For, though Bank and Stocks are negotiable, they can Coin.

be no longer current, than it is ſure their Value ſhall be realized in Specie when demanded. So that if ever the Paper Money ſhould exceed the Value of our Coin, the national Credit muſt ſink.

Bank Notes.

Bank Notes are Notes given by the Bank of *England*, whereby the Governors and Directors promiſe to pay to *A. B.* or the Bearer, the certain Sum therein mentioned, to be received by them, for the Payment of which, the Bank is anſwerable: Whoſe Credit at this Time is ſo well confirmed, that their Notes are now introduced into, and accepted almoſt in, all Payments for ready Money ſo low as ten Pounds; it being found much eaſier to remit Notes to *London*, than Caſh: which being paid at the Bank, whenever demanded, is a great ſaving to thoſe, and who have occaſion to make great Remittances. But theſe Notes bear no Intereſt; by which means the Bank gains great Profits upon the Intereſt of the Money, for which they give no more than their Notes.

Stocks.

The *Stocks* are a Compound of Securities for Money lent, either to the Government, or to a Company; whether by the way of Subſcription or Lottery. Which Securities bear Intereſt, ſome three *per Cent.* ſome three and a half *per Cent.* and ſome four *per Cent.* which being tranſferrable by the Owner, can go to market, and either procure, or anſwer the real Purpoſes of the current Coin. Theſe Stocks are diſtinguiſhed by the ſeveral Names of *Bank Stock*, *South Sea Stock*, *Bank Annuities*, *South Sea Annuities*, *India Annuities*, *Exchequer Bills*, and *India Bonds*; whoſe Value riſe and fall moſtly by the artful Management of Brokers and moneyed Men; and at all times, when the Affairs of the Nation bear a good and proſperous aſpect, they riſe; and in time of Danger, Trouble, and bad News, they fall. The Traffic in the Stocks by this means is become ſo advantageous, that the Profits have heretofore enticed great Men to debaſe their Character by a ſcandalous Commerce in the Funds; and introduced a very numerous Claſs of Men under the Name of Brokers, who buy and ſell Stock by Commiſſion, and watch every opportunity to improve the property, which others have in the Funds, to their own Emolument. Where obſerve, That theſe Stocks, though they bear the Name of One Hundred Pounds principal Money, upon the Face of the Security, ſhall go in Payment for no more than ſuch a Secu-

Security will produce (at that time) at Market; it may be only ninety-four Pounds at four *per Cent*, or eighty-eight Pounds at three *per Cent*. And again, it may bear a Premium, and bring one hundred and three, or one hundred and four, or one hundred and five Pounds for the one hundred Pounds principal Money, when ſome happy turn of Fortune makes the Stocks riſe; or a Company's Dividend increaſes the Value of their Bonds, Annuities and Stocks. But of all this Paper Money, *Bank Notes* and *India Bonds* are the moſt ready means to go to Market, without the real Specie.

N. B. *India* Stock at this time bears a dividend of ten *per Cent.* and ſells at two hundred and ſeventy Pounds, and the Company is reſtrained by Act of Parliament from making a Dividend to exceed the ten *per Cent.*

Weights and Meaſures.

Every thing is bought by Weight or Meaſure, according to a Standard appointed by the Legiſlature to be kept in the *Exchequer*; except where Cuſtom has introduced a variation in ſeveral Commodities.

The Weights are *Troy* and *Avoirdupois*. The *Troy Weight* contains twelve Ounces, and is the Weight for Jewels, Gold, Silver, and all Sorts of Liquor. *Avoirdupois* Weight contains ſixteen Ounces to the Pound; by which are bought and ſold Mercery and Grocery Wares, Wool, Metals, Tallow, &c. and are to be learned in every Book of Arithmetic.

Meaſures.

Meaſures are either *Long*, or *Dry*, or *Liquid*.

Under *Long Meaſure* we number the *Yard* and the *Ell*, by which all Linen, Woollen, Silks, Cottons, Ribbons, Tapes, *&c.* are meaſured for Sale: The *Foot*, *Fathom*, and *Rods*; by which are meaſured all Timbers and Buildings: and the *Pole* or *Perch*, *Furlong*, and *Mile* are the Long Meaſure of a Road or Way. But in the Meaſurement of Land upon the Square, it is done by the *Rod*, *Pole*, or *Perch*, and the *Acre*.

By *Dry Meaſure* are all Sortsof Corn and Grain ſold, and is known by the Name of the *Gallon*, *Peck*, *Buſhel*, *Comb*, *Quarter*, and the *Laſt* or *Wey*.

Liquid Meaſures is divided into two Sorts, *viz. Beer* Meaſure, and *Wine* Meaſure. The *Beer* Meaſure has in it a *Pint*, *Quart*, *Pottle*, *Gallon*, *Firkin*, *Kilderkin*, *Barrel*, *Hogſhead*, *But*, and *Tun*. It is alſo called *Wincheſter* Meaſure. The Wine Meaſure is a fifth Part leſs in

Capacity than the Beer, and is divided into a *Gill*, *Half Pint*, *Pint*, *Quart*, *Gallon*, *Tierce*, *Hogſhead*, *Puncheon*, *Pipe*, or *Butt*, and a *Tun* alſo. By this Meaſure are ſold all ſpirituous Liquors, Rum, Brandy and Arrack.

On the juſtice of theſe Weights and Meaſures depends the Credit of the Nation, and the Intereſt of our Commodities in foreign Markets, as well as on the Goodneſs of our Produce and Manufactures: Yet it is too common a practice, throughout the weaving Manufactories to abridge their works in the Breadth: the Invention of ſome bad Man to be able to underſel the Market, by the Savings made of an Inch of the reputed Breadth of their Silks, *&c.*

Of the TASTE, FASHIONS, CUSTOMS, *and* DISTEMPERS *of the* ENGLISH.

Buildings. THE *modern Buildings* are ſo well contrived and erected upon ſuch juſt Principles of Architecture, that they excel the ancient Houſes both in Beauty and Convenience. Within the Cities of *London* and *Weſtminſter* and their Suburbs, it has been lately enacted by Authority of Parliament, that none ſhall be built with Timber, or Lath and Plaiſter, but with Brick or Stone, and with two Bricks and a Half thick in the Cellar, and two Bricks upwards to the Garret, with Party-walls, under certain Penalties. See the *Act* 2 *Geo.* III. for regulating Buildings. This Act was calculated to prevent thoſe frequent and great Fires, that have committed ſuch Ravages in, and about the Metropolis, chiefly attributed to the combuſtible and ſlight Materials, of which our Predeceſſors uſed to build Timber and Lath Houſes, and Brick Fronts without guarding one Houſe from another, by a Party Wall, to ſtop the Flames in Caſe of a Fire in a neighbouring Houſe.

Theſe Buildings recommend themſelves for their Neatneſs, lightſome Stair-caſes, lofty Ceilings, Cloſſets in every Room where neceſſary, Chimneys and Chimney Pieces, Joiners Work, Wainſcoting, Paper-hangings, Plaiſterers, Painters Work, and Saſh Windows, and many

many of them Bow-windows, as high, generally, as the Cielings, to give both a better Light, and a free Entrance and Paſſage for Air, without which, no Houſe can be healthy. Beſides, ſuch is the improvement in the Deſign of Buildings, that the ſame Spot of Ground is made to afford double the Conveniencies of an old built Houſe.

But we particularly excel in public Buildings, *viz.* in Hoſpitals, as *Greenwich* Royal Hoſpital for Seamen, that have ſerved his Majeſty. *Chelſea* Hoſpital for Soldiers diſabled in his Majeſty's Service: St. *Bartholomew*'s Hoſpital in *London*: St. *Thomas*'s and *Guy*'s in *Southwark*, &c. for Sick and Wounded: *Bethlehem* Hoſpital in *Moorfields* for Lunaticks: *Ranelagh*'s Amphitheatre for public Entertainment: All the new Churches: the *Royal Exchange*, Manſion-Houſe, *South Sea* Houſe, Treaſury, Horſe-Guards, and the Meuſe, *Ironmongers*-Hall, in *Fenchurch-ſtreet*; in the Conſtruction of the Bridges at *Weſtminſter* and *Black-friars*.

To which let us add, That this ſeems to be an Age particularly diſtinguiſhed by a Spirit of Building: for it may with great truth be affirmed, that no Age can produce ſo many and ſuch large and expenſive Buildings whether in *England*, or any other Nation, as have been undertaken and completed, both for publick and private Uſe, as have been founded and erected in this Nation within the Compaſs of fifty Years paſt: which Spirit is ſtill kept up in building Hoſpitals, Bridges, and Places of public Worſhip.

Eating. The Taſte of the *Engliſh* in regard to Living or Diet is, perhaps, more ſubſtantial, elegant and expenſive, than of foreign Nations. They eat more Meat, they treat with more grand Entertainments on all ſolemn and joyful Occaſions, and they expend more Brandy, Rum, and Arrack, more Wines of foreign Growth, more Cyder and Perry, more Beer and Ale, and more ſpirituous Liquors of all Sorts, than any other People.

However *Butcher's Meat*, eſpecially Beef, is reputed to be the principal and proper nouriſhment for this Country. On this account, and by way of Preheminence, to ſhew their good liking to Beef, they ſtile a part of the Beef, by the Name of a *Sirloin*. The People, in general, are great *Fleſh Eaters*, and generally eat Butcher's Meat

boiled, roaſted, or baked. People of Faſhion launch out into rich Soup, Ragoo's, Fricaſees, Fowl, Fiſh, Veniſon, Game of all Sorts, and Wild Fowl. And ſome of the Nobility, Corporations, and City Companies, have arrived at ſuch an exceſs in eating, that they waſte and deſtroy more Victuals at one Meal, or Entertainment, to pleaſe the Appetite, and to feed the Eye, than would ſuffice to feed and maintain a large Hoſpital for a Week.

The *Engliſh* excel in *Pudding*, a viand almoſt peculiar to them, and prepared with very great Variety. They are alſo famous for minced Pies, Brawn, Veniſon Paſties, and Gooſe-pies about *Chriſtmas*.

The Country People, Farmers, and ſuch as are employed under them, live much upon Eggs, Bacon, Greens, and the Produce of their own Lands. The Labourers in moſt employs live much upon Bread and Cheeſe, Butter and Potatoes.

Drinking. The Taſte of the Populace, which ſome Years ago ran ſo much after ſpirituous Liquors made of Malt, and rectified under various Names, is very much leſſened. The lower Claſs of People are content with *Geneva*: the induſtrious Labourer with Porter, or a Draught of good Malt Liquor: the middle Sort of People delight in Punch, a Compoſition of Rum, or *French* Brandy, or Arrack, with Water, Sugar, and Lemon or ſour Orange: and the Gentry and opulent Part of the Nation conſume vaſt Quantities of *French*, *Madeira*, *Port*, *Liſbon*, *Mountain*, &c. Wines.

Drinking has introduced almoſt a general Uſe of Tabacco, which is ſmoaked commonly in Taverns, &c.

The Uſe of Coffee, Tea and Chocolate, eſpecially Tea, is become almoſt univerſal for Breakfaſt, and for an Afternoon Beveridge, amongſt the meaneſt, as well as the higheſt Degree.

Apparel. The general Cloathing of the Men is Woollen Manufacture, who, according to their State and Condition of Life, can be ſupplied with finer or coarſer Broad Cloths, Druggets, Serges, *&c.* of our own Manufacture; and formerly I can remember a rich Shop-keeper, and Artificer, a Merchant, and private Gentleman, were content with a ſuit of Superfine Cloth of *Britiſh* Manufacture. But now Clerks in public Offices and Compting-houſes, Bankers at Sale Shops, and Servants to Haberdaſhers, Mercers,

cers, &c. following the modern Example of their Maſters, dreſs beyond their Condition of Life, appear in Brocades, or Cloths daubed with Gold or Silver Lace. So that it has become difficult to diſtinguiſh a Taylor or Barber, from a Perſon of Quality and Fortune, otherwiſe than by the Aukwardneſs of their Mein, and their Want of a genteel Behaviour.

If we view the Female Race, we are ſtill more bewildered, to diſtinguiſh the Condition or Station of Life by the Dreſs of the Women. Servants that were once eſteemed for their appearing in Character with good home ſpun Linen, and a Linſey Woolſey Gown and Coat, dreſs their Heads with Gauze, Lace, and Ribbon, and endeavour to equal their Miſtreſſes in both the Richneſs and Faſhion of their Apparel, mix with the politeſt Company that aſſemble at Places of public Reſort: and it is not poſſible by their Dreſs, to diſtinguiſh the Milliner, Mantua-maker, or even the Servants of a mean Mechanic, dreſſed up in Silks, Brocades, Laces, Ear-rings, Necklaces, Solitaires, &c. from the Daughters of Gentlemen of Figure and Fortune. And if we view the Gentry and Nobility, our Eyes are loſt in Amazement, while we admire the Richneſs and the Beauty of their Apparel, in every Part thereof, not knowing what to admire moſt, whence ſuch Riches and ſuch Quantities of Silk, &c. can be procured, or where Money is got to purchaſe ſuch immenſe Quantities of thoſe rich Dreſſes, that are daily changing from Faſhion to Faſhion, and vying with each other to exceed in the Expence.

To the Apparel we muſt add the luxurious Living introduced of late Year by not only the Opulent, but Tradeſmen and Shop-keepers of ſlender Fortunes; and particularly mention the Increaſe, or rather the Extenſion of Equipage; which is not confined, as formerly, to the Rank of Gentlemen of great Eſtates, or within the Œconomy of our Forefathers, who introduced Body-carriages for Convenience, rather than Oſtentation. For, of late Years the Men of Fortune laviſh away the greateſt Part of their Eſtates in a ridiculous prodigality to excel each other in Coaches, Chariots, Horſes, Number of Servants, and Richneſs of Liveries; and the Merchants and Tradeſmen, even ſo low as a Coffin-maker, Peruke-maker, and Gingerbread-baker, frequently ruin both themſelves and their

their Creditors, by a mad Imitation of their Superiors. Inſomuch that the Duty laid upon Wheel-Carriages about twenty Years ago, is now above double it was at the firſt Impoſition thereof, and, as we are properly informed, this Duty increaſes yearly.

" This evil of Vanity, ſays a celebrated Writer, with " many others, proceeds from a certain gaiety of Heart, " which has crept into Mens very Thoughts and Na- " ture. And hence, ſays he, it happens that the Paſ- " ſions and Adventures of Heroes, when they enter the " Liſts for the Tournament in Romances, are not more " eaſily diſtinguiſhable by their Palfreys, and their Ar- " mour, than the ſecret Springs and Affections of the " ſeveral Pretenders to ſhow amongſt us, are known " in ordinary Life by their Equipages. For, as the " Matter now ſtands, every Man takes it in his Head, " that he has a Liberty to ſpend his Money, according " to his own Fancy, in ſpite of all Order, Juſtice and " Decorum. And I muſt conclude, there is nothing can " afford a diſcerning Eye greater occaſion for Mirth, " than this licentious Huddle of Qualities and Cha- " racters in the Equipages of the Metropolis of this " Kingdom."

Recreations. The *Recreations* in this Kingdom, perhaps include all the Methods uſed by foreign Nations, and add many others; as hunting Red and Fallow Deer, Hares, Foxes, and Otters: Shooting Pheaſants, Woodcocks, Partridges, Wild Fowl of all Sorts, of which *England* breeds a great Plenty: Fiſhing with Nets, and Hooks and Lines for Salmon, Tench, Carp, Pike, Trout, and a vaſt Variety of Sea, as well as freſh Water Fiſh: Horſe Racing, Cock Fighting, Bull Baiting, Foot Ball, Skittles, Nine Pins, Tennis, Fives, Cricket, Trap-ball, Priſon-baſe, Bowling, Shittle-cock, Quoits, Leaping, Cudgling, Wreſtling, Shuffle-board, Billiards, Back-gammon Table, Cheſs, Draughts, Dice, Cards, Ringing of Bells, Maſquerades, Theatrical Entertainments, Balls, Dancing, Singing, Concerts of Muſical Inſtruments, *&c.* Ringing of Bells is a Recreation peculiar to this Nation.

Laws to prevent Exceſs. To prevent the Exceſs of any of theſe Recreations, there are divers Laws made of late Years: for example, the Game Act, to prevent the Deſtruction of Game: the

The Fiſhing Act to preſerve the youngSpawn or Brood of Fiſh: The ſeveral Laws againſt exceſſive gaming at Dice and Cards: The Power given to Juſtices of the Peace and Magiſtrates in their reſpective Corporations, to prevent the Corruption of the People, by ſuppreſſing all Sorts of Gaming in Public Houſes, and regulating all public Diverſions of Dancing, *&c.* Therefore great care ought to be taken that ſuch an important Commiſſion be not given to either illiterate, or inſufficient Men, or to ſuch who would make Juſtice a ſtalking Horſe to their Trade, Employment, or private Intereſt.

England has ſome Recreations or Exerciſes peculiar to itſelf; amongſt theſe we ſhall admit *Bowling*, which is practiſed two Ways, *viz.* the one is called *Long Bowls*, when by mere Strength of Arm an Iron Bullet, by ſome called a *Pellet*, is eaſt or thrown at full Length, againſt the Length of another. The other is a Play with bowls at a Mark called *the Jack*, upon a *Bowling Green*, generally a ſquare Pieee of Ground, very flat, covered with a very ſhort green Turff, and kept very neat.

Foot-ball is the popular exerciſe in froſty Weather, and the Itch of Cock-fighting and Horſe-racing is not only the Diverſion of the Public; but has led ſome of our firſt Gentry and Quality into Temptations to ruin themſelves and Families, by laying injudicious Wagers upon the Hoof of a Horſe, and the Heel of a Cock.

The Scum of the People, in ſome Places, retain that barbarous Sport of throwing at Cocks, and baiting of Bulls with Dogs. But the Magiſtrates in moſt of our large Cities and Towns, do all in their Power to prevent that Cuſtom amongſt the Populace, and have, in a great Meaſure, put a ſtop to it in and about the Metropolis

As it is well obſerved by many Authors, that we may judge of the Diſeaſes of a People, by their Way of Living, and the Climate and Soil of their Country: So we ſhall find that the moſt predominate Diſeaſes in *England* are the Riekets in Children, proeeeding from the Moiſture of the Air. The Scurvy, from its Saltneſs, and too mueh eating of Fleſh Meat; and the Conſumption, from its Groſsneſs. The Rickets are only incident to Children in their firſt Stage of walking: The Scurvy preys upon all, eſpecially thoſe, who feed too high on Butcher's Meat, Diſtempers.

Meat, Spices, and ſtrong Soups: And the Conſumption happens to many by their intemperate and debauched Way of Living, or proceeds from Colds, Rheums and Coughs. The Inhabitants in the low and fenny Grounds are very ſubject to Agues and Rheumatiſms. No Nation is more afflicted with the Gout, Gravel, and Stone: And few can keep themſelves from Cholics, and Surfeits; if they pay no Regard to their Conſtitutions, but eat and drink without Fear, and without Meaſure, of any Thing that comes to Hand, to pleaſe their Appetite.

Of the RELIGION *of this* NATION.

Religion. THIS great Trading Nation, in the midſt of all their Endeavours to excel in Trade and Commerce, have not been unmindful of the Hand, from whom a Bleſſing comes upon their Labour and Induſtry. The Religion and Piety of the People are as conſpicuous as their Trade and Manufactures.

In the View we ſhall take of Religion, it is not our Province to enter into polemical Debates, or to inquire into the Cauſes of the many Opinions, or to work up an odious Repreſentation of thoſe, who diſſent from the eſtabliſhed Church, or differ from each other in Modes, Ceremonies or Doctrine; while every one ſeeks after God, and worſhips him according to the beſt of his Abilities. To be ſure *Chriſtianity* is broken in this Realm into more Sects and Schiſms, than, perhaps, were ever found in any Nation. But it may be ſaid, with as much Truth, that it was never known that any People were ever ſo heartily and ſincerely united in this *Grand Principle*, "to ſeek the Lord with Singleneſs of Heart." The moſt deſpiſed of th ſe Sects ſerve the Lord with Gladneſs, and come before him with Thanſgiving, and know no other God, but him. Therefore I am of Opinion, with Biſhop *Ridley*, and Biſhop *Hooper*, who died for their Religion, and confeſſed, That the Root of Religion might be ſound, where the Bloſſom had not the ſame fragrance, and that Faith, Hope, Love, and other CHRISTIAN Graces

Graces might be preſerved, where they differed in the Circumſtances.

The *Church* of *England* as by Law eſtabliſhed, and reformed from the Errors of *Popery*, may be properly ſtiled the Mother and Protectreſs of the Proteſtant Churches throughout the World, as well as the Glory of the *Evangelic* Body. It is a Hierarchy under the Juriſdiction of Biſhops, ſubjected to the Prince upon the Throne, as ſupreme, and without whoſe *Conge d'Eliere*, no Biſhop can be elected into that Office and Dignity of the Church. But after their Conſecration the Biſhops ſit and Vote with the Temporal Lords in the Houſe of Peers. The King ſupreme.

Two of theſe Biſhops for the Sees of *Canterbury* and *York*, are digniſied with the Title of *Moſt Reverend*, and are honoured as *Dukes*, with the Title of *Grace*. The Archbiſhop of *Canterbury* is the firſt Peer of the Realm, next the Royal Family, and takes Place not only of Dukes, but of the chief Officers of the Crown; and the Archbiſhop of York takes Place after the Lord High Chancellor, or Lord Keeper.

The Eccleſiaſtical State, therefore, conſiſts of ſeveral Degrees or Ranks of Men: Some that differ by their Orders, as *Biſhops*, *Prieſts*, and *Deacons*: Some by their Dignities, as *Archbiſhops*, *Deans*, *Arch-Deacons*, *Rural Deans*, *Prebendaries*, and *Canons:* Some by their Stations, as *Rectors*, *Vicars*, and *Curates*; and all are divided into ſuperior and inferior Clergy; under which Names the Clergy are repreſented in the upper and lower Houſes of *Convocation*; or national Council of the eccleſiaſtic Part of the Community; an Aſſembly that is compoſed of the Biſhops and Repreſentatives of the Clergy in the Province of *York*, alſo convoked or ſummoned by the Archbiſhop of *York*, purſuant to the King's Writ to him directed, as well as to the Archbiſhop of *Canterbury*. Degrees in Orders. In Dignity.

The *Convocation* is held during the Seſſion of Parliament. The upper Houſe conſiſts of the Biſhops, and the lower Houſe, of the inferior Clergy, who are repreſented by their Proctors, *viz.* one Proctor for every Chapter, two for the Clergy of every Dioceſe, twenty-two Deans, fifty-three Archdeacons, twenty-four Prebendaries, and forty-four Proctors of the Dioceſan Clergy; in all One Hundred and forty-three Divines. The Convocation.

The

The lower Houſe chooſes a Prolocutor, or Speaker, whoſe Buſineſs is to regulate the Forms of the Houſe, to ſee that the Members attend, to collect the Debates and Votes, and to carry their Reſolutions to the Upper Houſe.

The Power of the Convocation is limitted by a Statute of *Henry* VIII. ſo as to prevent their making any Canons, or eccleſiaſtical Laws, without the King's Licence. Nor when they put them in Execution, can they do it, but under ſeveral Reſtrictions. They may examine or cenſure heretical Books and Perſons; but there lies an Appeal to the King in Chancery, or to his Delegates. But the Members are intitled to Privileges of Parliament.

Epiſcopal Juriſdiction.

The Juriſdiction of Biſhops is merely eccleſiaſtical, and confined to that certain Diſtrict or Dioceſe, over which each of them is placed. In each Dioceſe they have a Spiritual Court; of which more particularly hereafter. They have the ſole Power of Ordination, and to grant Inſtitution to Benefices, and to command Induction to be given.

Revenue of the Clergy.

Their Revenues are not equal; ſome of them, as the Biſhoprick of *Durham*, very rich: Others, as *Rocheſter*, not a tenth Part ſo much: yet all of them made ſufficient, by Preferments, either annexed or held in *Commendam*, to ſupport the Dignity of a Biſhop of the Church of *England*, and Member of the Houſe of Lords.

Hardſhips of the Inferior Clergy.

However, the Diſparity in the Value of Church Livings, and the Maintenance of the inferior Clergy are matters of more ſerious Conſideration. Some Livings only ſerve to ſhew the Opulence of the Church, while they ſtarve the Curates, that perform the Duty and Drudgery of the Pariſh: And the little Care, that is taken by ſome Pluraliſts, laden with Church Preferments, to provide learned and pious Miniſters to reſide in their Pariſhes for the *Cure of Souls*, gives great Reaſon to apply the 24th Article of Religion, where we read, "Al- "though in the viſible Church the Evil be ever ming- "led with the good, and ſometime the evil have chief "Authority in the Adminſtration of the Word and Sa- "craments; yet for as much as they do not the ſame in "their own Name, but in *Chriſt*'s, and do miniſter by "his Commiſſion and Authority, we may uſe their Mi- "niſtry both in hearing the Word of God, and in re- "ceiving the Sacraments. Neither is the Effect of "*Chriſt*'s

" *Chriſt*'s Ordinance taken away by their Wickedneſs, nor " the Grace of *God's* Gifts diminiſhed from ſuch, as by " Faith, and rightly do receive the Sacraments miniſtred " unto them, which be effectual, becauſe of *Chriſt*'s In- " ſtitution and Promiſe, altho' they be miniſtred by evil " Men."

By which Practice, this Church ſwarms with unbeneficed Clergy, and they reduced to a State much below not only the meaneſt Prieſts in any Part of the *Chriſtian* Church, but to ſerve their Cures for leſs than the Hire of a common Day-Labourer. An Evil that muſt continue to the Diſgrace of the Church of *England* ſo long, as Intereſt can prevail with Patrons to heap Living upon Living, and the Legiſlature delays to put a ſtop to Pluralities in the Church.

There is alſo a middling Rank of Clergy in the Church, which are diſtinguiſhed by the Names of *Dean*, *Archdeacon*, *Rural Dean*, *Prebendary* and *Canon*, who anſwer to the Diſtinction of the *Gentry* amongſt Laity, between the Nobility and inferior Sort of the People.

The *Dean* is an Eccleſiaſtical Magiſtrate, next in degree, and an Aſſiſtant to the Biſhop in Cathedral and Collegiate Churches; his Title or Name is derived from preſiding over ten Canons or Prebendaries, and makes a Chapter with ſuch as are *canonici Actu* *. Both Deans and Prebendaries ought to reſide in their reſpective Churches, to frequent public Worſhip, and to preach and adminiſter the Lord's Supper at proper ſeaſons. They are ſet alſo up as Lights in the Church, for the Example of the inferior Clergy in their Lives and Doctrine, and are obliged to obey all epiſcopal Summons. And it is to theſe that the King's *Conge d'Eliere* is directed for the choice of a new Biſhop, when their See is vacant. Deans.

There are another Sort of Deans, who are only honorary, having no Juriſdiction. Such are the Deans of the Chapel Royal, of St. *George*'s Chapel at *Windſor*, of the Church at *Rippon* in *Yorkſhire*, and in *Guernſey*. And the Deans of *Croydon* in *Surry*, of *Battle* in *Suſſex*, and

* There are two Sorts of Prebendaries or Canons: ſome *Canonici actu*, who have a right to Vote in the Chapter: the other *Canonici in herba*, who have a Stall in the Choir, but no Vote or Authority in the Chapter.

ſome

ſome few others, are Deans without any Chapter, yet enjoy ſome Sort of Juriſdiction.

Archdeacons. *Archdeacons*, ſo called from their peculiar Charge in the Primitive Church over the Deacons, are alſo Aſſiſtants to the Biſhops in Church Government, and their Dignity is next after the Biſhops. There is one or more in every Dioceſe, for diſpatch of Eccleſiaſtical Affairs. The Archdeacon viſits his particular Diſtrict, called the *Archdeaconry*, the two Years between the Biſhops triennial Viſitation, and then enquires into the Reparations and Moveables belonging to the Churches within his Juriſdiction; reforms abuſes in Eccleſiaſtical Matters, and brings the more weighty Affairs before the Biſhop. And by the Biſhop's Mandate he is to induct Clerks into their Benefices, and to give them Poſſeſſion of all the Profits thereof.

Rural Deans. *Rural Deans*, were of old called *Archi-Preſbyteri*, and are a ſubordinate Degree to the Archdeacons. Their peculiar Charge, was of old, to ſuperintend a certain Number of Prieſts or Miniſters, within their rural Deanery, which is a Subdiviſion of the Arch-Deaconry: But now their Duty of Office ſeems to be no more than to convoke the Clergy, and to ſignify unto them the Biſhop's Pleaſure, when ordered by the Dioceſan; and to ſupply the Place of the Archdeacon in giving Induction to a Benefice.

Rectors, Vicars, Curates. There are alſo various Diſtinctions amongſt the inferior Clergy, known by the Names of *Rectors*, *Vicars*, and *Curates*. Rectors are poſſeſſed of Livings, whoſe predial Tythe is not impropriate. Vicars, whoſe Livings are called Impropriations: And Curates, who ſerve the Cure for a certain ſtipend. Curates were originally allowed to repreſent the Parſon, Vicar, or Incumbent of a Church, and to officiate in the Performance of divine Service, &c. in his ſtead, where it was found neceſſary in Caſe of Pluralities of Livings, Sickneſs and Infirmity, or other lawful Cauſe of Non-reſidence. He is to be admitted and licenſed by the Biſhop of the Dioceſe, or Ordinary, having Epiſcopal Juriſdiction. By the Statute Curates, licenſed by the Biſhop, are to be appointed by him a Stipend, not exceeding 50*l.* *per Annum*. and not leſs than 20*l.* One Perſon cannot be Curate in two Churches, unleſs he read both Morning and Evening Prayer in both Places; nor can he ſerve one Cure on one *Sunday*, and another

another on the next, except it be of a Church or Chapel dependant on the Pariſh-church; or a Church not able to maintain a Curate. A Curate may be removed at the Pleaſure of the Biſhop or Incumbent.

Of Ordination. The Ordination of Miniſters by Biſhops, is founded upon the Practice of the Apoſtles themſelves, and of the Church in the apoſtolic Age. By which Epiſcopacy is allowed to be an Order in the Church of *Chriſt*, and not a bare extenſion of Preſbytery, or the Prieſthood, as ſome of the Reformers contended. And beſides this, the Church of *England* admits of the Order of a Prieſt, and the Order of a Deacon: The Prieſt is ordained to adminiſter *God*'s Word and Sacraments, being twenty-four Years of Age, and is capable of an Eccleſiaſtical Promotion; but a Deacon cannot be ordained till he be turned of twenty-two Years, and with no other Power than to aſſiſt the Prieſt in the Diſtribution of the Holy Communion; or to adminiſter the Wine to the Communicants. However, we often ſee, and it is now looked upon as a Matter in courſe, as ſoon as a young Stripling is ordained a Deacon, he reads in the Church, adminiſters Baptiſm, and ſteps into the Pulpit, where he takes upon him the Adminiſtration of *God*'s *Word* by preaching.

Of epiſcopal Viſitation. The Biſhop at certain ſtated Times (generally once in three Years) takes a Perambulation to viſit the Clergy of his Dioceſe. A very godly Intent! to enquire into Offences committed by the Clergy, againſt Juſtice, Piety, and Sobriety; and ſhould it be done effectually, it might be made ſerviceable to the Church: But in the manner it is now practiſed, ſays a late Writer, no matter whether it ever be done or no. For, the whole Buſineſs appears to be nothing more than to collect Fees from the Clergy, for the Exhibition of their Letters of Orders; and without any further regard to their Conduct, than giving them a Charge to behave well in their reſpective Stations; tho' it often happens that ſome of them deſerve ſevere rebuke and correction for Non-reſidence, Oppreſſion of their Curates, immoral Lives, and for not providing able and pious Miniſters to perform the Cure, which they cannot, or will not attend.

Doctrine of the Church of England. As to the *Doctrine* of the Church of *England*; its Purity, and entire Conformity to the Word of God is to be

read in the *thirty nine Articles*; which is her Confeſſion of Faith; and in her *Homilies* ſet forth by Authority.

Ceremonies. Her *Ceremonies* are recorded in her Canons, and brought as near as poſſible to the decent Standard of apoſtolic Church-communion: amongſt which are the Uſe of the Surplice, in the Performance of divine Offices, and the Sign of the Croſs in Baptiſm, which gave ſo much Offence to ſome in the firſt Heat of Separation from the Idolatry of *Rome*, that it occaſioned their diſſenting from the eſtabliſhed Church, and laid the Foundation of that Separation, which continues to this Day, amongſt us, about Church-communion. How far ſuch Ceremonies can warrant a Separation from a Church, that teacheth the Truth of the Goſpel, let them conſider, who have done it, or may be ſolicited ſo to do.

Liturgy. But the Church of *England* ſhines in no part ſo much, as in her *Liturgy*. If the Diſſenters condemn it, only as a ſet Form, let them hear Dr. *Comber*, who declares that, "No Church was ever bleſſed with ſo comprehen-
"ſive, ſo exact, and ſo inoffenſive a Liturgy, as ours;
"which is ſo judiciouſly contrived, that the wiſeſt may
"exerciſe at once their Knowledge and Devotion; and
"yet ſo plain, that the moſt ignorant may pray with
"underſtanding; ſo full, that nothing is omitted, which
"ought to be aſked in puplic; and ſo particular, that it
"compriſeth moſt things, which we would aſk in private;
"and yet ſo ſhort, as not to tire any that have true De-
"votion. Its doctrine is pure and primitive; its Cere-
"monies ſo few and innocent, that moſt of the Chriſtian
"World agree in them: its Method is exact and natu-
"ral, its language ſignificant and perſpicuous, moſt of
"the Words and Phraſes being taken out of the holy
"Scripture, and the reſt are the Expreſſions of the firſt
"and pureſt Ages.---And, in the Opinion of the moſt
"impartial and excellent *Grotius* (who was no Mem-
"ber of, nor had any obligation to this Church) the
"*Engliſh* Liturgy comes ſo near the primitive Pat-
"tern, that none of the reformed Churches can compare
"with it."

Again he ſays; "In the Prayers a Scholar can diſ-
"cern cloſe Logic, pleaſing Rhetoric, pure Divinity,
"and the very Marrow of the antient Doctrine and Diſ-
"cipline;

" cipline; and yet all made so familiar, that the unlearn-
" ed may safely say, *Amen.*"

The *Churches* or Places consecrated or set apart by episcopal Authority, for public Worship, are distinguished by several Names, as *Cathedral*, *Collegiate*, and *Parochial* Churches, and *Chapels* of Ease: and these are sub-distinguished by the Names of Abbeys, Minsters, Rectories, Vicarages, Curacies, and Donatives. Divers Appellations of Churches.

The *Cathedral* Church is the Seat of the episcopal Chair, or chief Church in every Diocese. The *Collegiate* Church has no Bishop's Chair in it, but has the Retinue of a Bishop, such as Canons and Prebendaries, as at *Ripon*, *Windsor*, &c. or Fellows, as at *Manchester*, &c. and are governed by *Deans* and *Chapters*, or by *Warden* and *Fellows*. Some of those Churches have episcopal Rights; and some of them were anciently Abbies, which have been secularized. And they are all regarded in the same Manner as Cathedrals in Matters of divine Service. The *Parochial* Church is the Provision made for divine Service, and other ecclesiastical Offices in every Parish, according to the Act of Uniformity; wherein the Parishioners have the Sacraments administered, Marriages solemnized, Children christened, Women churched, Banns published, and their Dead buried. But a Parochial Church is distinguished by the Nature of its Foundation: It is called a *Rectory*, if collated with all its Rights, Tythes and Glebes. It is called a *Vicarage*, if the predial Tythes thereof, are impropriated, or appropriated, *i. e.* if they belong either to a College, or to a Chapter, or to a Lay-man, who receives the great Tythe, and possesses the Glebe, and only allows the Minister of the Church, so endowed, either the small Tythes, or a certain Salary or Stipend, or convenient Modus. Both these Kinds of Livings require Institution and Induction. *Curacies* are such Churches, whose Tythes are impropriate, and have not so much as an Endowment for a Vicar; and they are called *perpetual Curates*; because they are not removeable at the Bishop's or Patron's Pleasure; and to distinguish them from temporary Curacies served under an Incumbent for such a Salary, as shall be agreed upon by the Parties; from which the Curate, having neither Institution nor Induction, may be removed at the Will of the Bishop or Incumbent, that employs him. *Chapels of Ease* are

Cathedral.

Collegiate.

Parochial.

Rectory.

Vicarage.

Curacy.

Chapel of Ease.

are Branches, and commonly ſerved by Curates appointed by the Miniſters, of Parochial Churches, and take their Name from their intention to eaſe the different Parts of the Pariſh from the trouble of attending their Pariſh Church, through bad Roads, or intemperate Weather.

Donative. A *Donative* is a Benefice given to a Prieſt without Preſentation to the Ordinary, and without Inſtitution and Induction; originally founded by the Royal Licence, or by the Lord of a Manor with the Biſhop's Leave, which being continued time out of Mind, is confirmed by Preſcription. But one thing is required, that all Churches

Conſecration of Churches. be conſecrated or ſet apart by the Biſhop of the Dioceſe, for the Purpoſes of divine Worſhip and religious Offices: and our Laws hold both our Churches and the Church Yards ſo ſacred, that all quarrelling is prohibited in them, under pain of Suſpenſion, by the ordinary *ab Ingreſſu Eccleſiæ*; and if a Clerk, *à Miniſterio Officii:* ſtriking, or laying Hands on another in the Church, is puniſhable with Excommunication; but if a Weapon be uſed, or only drawn for that Purpoſe, the Offender is to looſe one of his Ears, by 5 & 6 *Edward* VI. c. 4. and by the 1 *W.* and *M.* c. 18. who ever diſturbs a Miniſter officiating in the Church, incurs three Months Impriſonment, and a Penalty of twenty Pounds.

Church Wardens. For the better ſupport of Parochial Churches and Chapels, the Legiſlature has provided a Lay Officer, called the *Church* or *Chapel-Warden*, and at their primitive Inſtitution *Church Reeves*. There are generally two in every Pariſh. This Officer is elective annually in *Eaſter* Week; but the manner of chooſing him differs in divers Places: Where Cuſtom has prevailed, one is choſen by the Pariſhioners, the other is appointed by the Miniſter. Which Cuſtom is agreeable to the Canon. But in many Places Cuſtom has ſo prevailed, as to avoid the Canon, and to empower the Pariſhioners to chuſe both Wardens. Being choſen according to the Cuſtom of the Pariſh, they apply to the Archdeacon, upon his Viſitation, to be ſworn into their Office, who has no power to refuſe to ſwear them, he not being ſo compleat a Judge of the Abilities of the Parties choſen into that Office, as the Pariſhioners, who elected them. The Church-wardens being ſworn, become a corporate Body, that may ſue and be ſued for the Goods of the Church. And their Duty is very comprehenſive.

ſive. They are not only to look after the Church and Church-yard, but to obſerve and preſent to the ordinary the Behaviour of the Pariſhioners, * in relation to ſuch Miſdemeanors, as appertain to the cenſure or Juriſdiction of the eccleſiaſtical Court. They are to take care of the Repairs of the Church, ‡ and to provide Books for the Miniſter and Clerk, Surplice and Band for the Miniſter officiating, Bread and Wine, Ornaments, and other Neceſſaries for the Lord's Supper and the Table. They have a right to place the Pariſhioners in the Seats or Pews in the Body of the Church, appoint Pew-openers, and Gallery-keepers, and to order, or to forbid the ringing of the Bells. In *London* they are obliged by Act of Parliament, under the Penalty of ten Pounds, to fix Fire Plugs or Cocks, upon the Main of ſome Water-works, that paſſes into or through their Pariſh; and to provide and keep Fire Engines, Buckets, &c. for Service in Caſe of Fire. And in Caſe the Church ſhould become vacant, they have the Care of the Benefice, during the Vacancy. They are in many Caſes required to ſign Certificates, ſuch as of Loſſes by Fire, the Receipt of Money collected upon any Brief or King's Letter, and of thoſe Perſons, who qualify themſelves according to Law, by receiving the Sacrament to bear Offices under the civil Government. They are alſo to join with the Pariſhioners in making Rates † for Repairing the Church, and fencing the Church-yard; and with the Overſeers of the Poor, in making the Poors' Rate, and in all other Acts for employing and providing for the Pariſh Poor. Their Duty.

The *Separatiſts* from the Church of *England*, and the Service and Worſhip thereof, are compriſed under the Diſſenters.

* By the Biſhop's Articles they are to preſent *filthy Talkers, Revilers, and common Sowers of Sedition among Neighbours*; 3 *Lev.* 362. And an Oath is uſually tendered them for that Purpoſe.

‡ See the 86th Canon.

† Theſe Rates are to be made by the Church Wardens, who are to give a general Summons at the Church, that the People may meet at a certain Time and Place for that Purpoſe; and the Majority of thoſe, who meet upon ſuch a Summons, ſhall conclude the whole Pariſh. But if they refuſe, or neglect to meet, then, and in ſuch Caſe only, the Church Wardens alone, may make the Rate. See *Hetley* 61, and 1 *Vent.* 367.

general Name of *Diſſenters*, who date their Origin from the moſt early Days of the *Reformation*; which, they alledge, retained many *popiſh* Ceremonies, and Parts of the *papal* Church Government: That the Church of *England* required a yet farther Reformation, than had been made by the mere pulling down of the Pope, to make way for another Hierarchy, without regard to the true Goſpel Supremacy in the Reign of *Henry* VIII. or in the Reign of Queen *Elizabeth*, whoſe political and gay turn of mind prevailed with her Majeſty, to preſerve too great a Similitude to the old Rites; that ſhe might, as ſoon as poſſible, bring the *Papiſts* to conform to her way of Worſhip; and to be much in love with the Pomp and Show of Religion; further, that it was their Duty to ſerve God in the way which appeared moſt agreeable to the Scriptures; and, therefore, that they only preſſed for a greater *Purity* of Worſhip: Which was the reaſon, they were called *Puritans*; who, nevertheleſs, remained in the Communion of the Church of *England*, and in Subjection to Epiſcopacy. For, though they could not join in many things of the eſtabliſhed Worſhip, they would not ſeparate, or make a Schiſm in the national Church. Even when the Puritan Miniſters were ejected from their Livings by the King, that put the *Book of Sports* upon them, they did not gather ſeparate Churches. It is true they went about preaching, catechiſing, inſtructing private Families, and in confirming them in *Goſpel Principles:* but they neither *baptized*, nor adminiſtered the *Lord's Supper*. All which ſhews the force, and unwillingneſs, with which the *Diſſenters* in *England* were driven to a total Separation; and, as it were, thruſt out of the Church. And then chuſing rather to withdraw out of the Realm, with the ſole view of ſerving God more agreeably to the Goſpel, and their Conſcience, in a diſtant Country, where they could give no offence to the eſtabliſhed Church, theſe *Puritans* petitioned for leave to tranſport themſelves, and to ſettle in *North America*. Having obtained Permiſſion, it was found, that, in a few Years, nineteen thouſand of theſe Emigrants croſſed the Seas, into a barren uncultivated Wilderneſs. But when the Confuſions of King *Charles* the Firſt's Reign brought about Liberty of Conſcience, and the Suppreſſion of Epiſcopacy, the *Puritans* returned, and got into poſſeſſion of the

Why called Puritans.

Settle in America.

the Church of *England*. Yet, ſuch is the depravity of Nature, that they who thought it their Duty to tranſport themſelves to the *American* Wilderneſs, rather than to ſeparate from, and make a Schiſm in the eſtabliſhed Church, were no ſooner poſſeſſed of the Power and Revenues of the Church of *England*, than they themſelves held ſtrong Conteſts about the *Jus divinum* of Church Government: and unhappily taking part in the ſeveral views of the Leaders in the Parliament, Army, and State, they divided, and broke into a variety of Opinions, Sects, and Factions.

At the Reſtoration, the Churches were ſupplied and poſſeſſed by Miniſters, that called themſelves *Preſbyterians*, and *Independents*, who totally rejected Epiſcopacy. King *Charles* II. who had promiſed, as a Condition of his Reſtoration, to tolerate the *Preſbyterians*, &c. appointed a Conference at the *Savoy*, between the leading Divines of the Epiſcopal Church and the *Preſbyterian* Church, and granted a Commiſſion to treat of an Accommodation of Differences. The *Preſbyterians* met with a diſpoſition, as they alledge, to comply, as far as Conſcience would permit, and offered to ſubmit to a Super-intendency, which may be called a moderate Epiſcopal Government. This ſo pleaſed the King, that he renewed his Aſſurances to them of his earneſt deſire of an Accommodation. But their Conceſſions being rejected by the epiſcopal Divines, the King unmindful of his Promiſes, and not regarding his Royal Word, ſuffered above 3000 of the beſt, moſt learned, and pious of the *Preſbyterian* Miniſters, and who enjoyed the largeſt Benefices, to be not only ejected from their Livings, but to be diſabled to exerciſe their Goſpel Function. Preſbyterians.

Under the Name *Preſbyterian*, we are to include all the Denominations of *Proteſtants* of the *Calviniſtical* Sect, who maintain that the Government of the Church, appointed in the *New Teſtament*, is by *Pryſbeteries*, or Miniſters and ruling Elders, aſſociated for Government and Diſcipline, with ſome variations according to the ſeveral Opinions, into which they had been divided, as mentioned above.---With theſe King *Charles* II. did not only break his Word; but he let the whole Power of the Parliament looſe upon them, to render them as uneaſy as poſſible; as may be ſeen in the Amendments to the Act of

Uniformity, in the Five Mile Act, in the *Et cetera* Oath, in the Sacramental Teſt, *&c.* And all thoſe, who would not, and could not in Conſcience ſubmit to thoſe parliamentary Injunctions and Impoſitions, were diſtinguiſhed by the Name of *Diſſenters* from the Church of *England:* becauſe they being ejected out of their parochial Functions, by a mere Act of Power, without any diſqualifying Crime on their Parts, thought it their Duty to continue the Miniſtry of the Goſpel (unto which they had been ordained) to ſuch as attended, or followed them in a ſtate of Separation; not occaſioned by their own Will, but by Compulſion from the Powers in being.

From this Epocha we date the open breach between *Epiſcopacy* and *Preſbytery* in *England:* and though the Iniquity of the Times, which was preparing the way for a *Popiſh* King, to reſtore *Popery* in this Realm, tried many Means to cruſh the *Diſſenters*, they increaſed both in Numbers and in Power, and united heartily with the Church of *England*, to ſtem the torrent of *arbitrary* Power and *Popery*, in King *James* the Second's Reign, and to bring about the *Revolution.* For which the *Diſſenters* of the three Denomination of *Preſbyterians*, *Independents* and *Anabaptiſts*, obtained Liberty of Conſcience under the Acts of Toleration, *&c.* wherein it is enacted (by 1 *W.* & *M.* ſ. 1. c. 18.) That foraſmuch as ſome Eaſe to ſcrupulous Conſciences in the Exerciſe of Religion, may be an effectual Means to unite their Majeſties Proteſtant Subjects in Intereſt and Affection, the Statutes made in the 1ſt, 23d, and 29th *Eliz.* to retain her Majeſty's Subjects in their due Obedience, and to oblige all Perſons to conform to the Church of *England*, under certain Pains and Penalties, and the Statutes made againſt *Papiſts* and *Popiſh* Recuſants in the Reigns of *James* I. and *Charles* II. ſhall not be conſtrued to extend to any Perſon diſſenting from the Church of *England*, that ſhall take the Oaths.

Act of Toleration, 1 W. & M. Seſſ. 1. c. 18.

That ſuch Perſons having taken the Oaths, ſhall not be liable to any Pains, Penalties or Forfeitures mentioned in the Stat. 35 *Eliz.* and 22 *Car.* II. to prevent and ſuppreſs ſeditious Conventicles, nor ſhall be proſecuted in any eccleſiaſtical Court, for or by reaſon of their non-conforming to the Church of *England.*

Provided,

Provided, That if any Aſſembly of Perſons diſſenting from the Church of *England*, ſhall be had in any Place for religious Worſhip with the Doors locked, barred or bolted, during any Time of ſuch meeting together, they ſhall not receive any Benefit from this Law; but be liable to all the Pains and Penalties of all the foreſaid Laws.

Provided alſo, That they ſhall not be exempt from Tythes, parochial, or any other Duties, to the Church or Miniſter.

That a Diſſenter may ſerve the Office of High Conſtable, Petty Conſtable, Church-Warden, Overſeer of the Poor, and other Pariſh and Ward-Offices, by a Deputy, to be allowed and approved, as by Law they are to be.

That no Perſon diſſenting from the Church of *England* in holy Orders, or pretended holy Orders, or pretending to holy Orders, nor any Preacher or Teacher of any Congregation of diſſenting Proteſtants, that ſhall make and ſubſcribe the Declaration, and take the Oaths at the General or Quarter Seſſions of the Peace, and ſhall alſo declare his Approbation of, and ſubſcribe the Articles of Religion mentioned in the Statute made in the 13 *Elizabeth*, except the thirty-fourth, thirty-fifth, and thirty-ſixth, and theſe Words of the twentieth Article, viz. [*the Church hath Power to decree Rites or Ceremonies, and Authority in Controverſies of Faith, and yet*] ſhall be liable to any of the Pains or Penalties mentioned in an Act made in 17th *Charles* II. *for reſtraining Non-conformiſts from inhabiting in Corporations*; nor the Penalties mentioned in the Act made in the 22d *Charles* II. for or by reaſon of ſuch Perſons preaching at any Meeting for the exerciſe of Religion; nor to the Penalty of *one hundred Pounds* mentioned in an Act made in the 13 and 14 *Charles* the *Second*, *for the Uniformity of publick Prayers, and Adminiſtration of Sacraments, and other Rites and Ceremonies*; *and for eſtabliſhing the Form of making, ordaining and conſecrating of Biſhops, Prieſts and Deacons in the Church of* England, for officiating in any Congregation for the Exerciſe of Religion permitted and allowed by this Act.

Provided always, That the making and ſubſcribing the ſaid Declaration, and the taking the ſaid Oaths, and making the Declaration of Approbation and Subſcription to the ſaid Articles in Manner as aforeſaid, by every

every reſpective Perſon or Perſons herein before mentioned, at ſuch General or Quarter Seſſions of the Peace as aforeſaid, ſhall be then and there entered of Record in the ſaid Court, for which *Six-pence* ſhall be paid to the Clerk of the Peace, and no more; provided that ſuch Perſon ſhall not at any Time preach in any Place, but with the Doors not locked, barred or bolted, as aforeſaid.

And whereas ſome Diſſenting Proteſtants ſcruple the Baptizing of Infants; it was enacted, that every Perſon in pretended holy Orders, or pretending to holy Orders, or Preacher, or Teacher, that ſhall ſubſcribe the aforeſaid Articles of Religion, except before excepted, and except Part of the *ſeven and twentieth* Article, touching *Infant Baptiſm*, and ſhall take the ſaid Oaths, and make and ſubſcribe the Declaration aforeſaid, in Manner aforeſaid, every ſuch Perſon ſhall enjoy all the Privileges, Benefits and Advantages, which any other Diſſenting Miniſter, as aforeſaid, might have or enjoy by Virtue of this Act.

And that every Teacher or Preacher in holy Orders, or pretended holy Orders, that is a Miniſter, Preacher or Teacher of a Congregation, that ſhall take the Oaths herein required, and make and ſubſcribe the Declaration aforeſaid, and alſo ſubſcribe ſuch of the aforeſaid Articles of the Church of *England*, as are required by this Act in Manner aforeſaid, ſhall be thenceforth exempted from ſerving upon any Jury, or from being choſen or appointed to bear the Office of Church-warden, Overſeer of the Poor, or any other Parochial or Ward-Office, or other Office in any Hundred of any Shire, City, Town, Pariſh, Diviſion, or Wapentake.

And whereas there are certain other Perſons, Diſſenters from the Church of *England*, who ſcruple the taking of any Oath; it was alſo enacted, by the Authority aforeſaid, that every ſuch Perſon ſhall make and ſubſcribe the aforeſaid Declaration, and alſo this Declaration of Fidelity following, *viz.*

" I *A. B.* do ſincerely Promiſe and ſolemnly declare, " before God and the World, that I will be true and faith- " ful to King *William* and Queen *Mary*; and I do ſo- " lemnly profeſs and declare, that I do from my Heart " abhor, deteſt, and renounce, as impious and heretical, " that damnable Doctrine and Poſition, *That Princes excommunicated*

" *communicated or deprived by the Pope, or any Authority of* " *the See of* Rome, *may be depoſed or murdered by their* " *Subjects, or any other whatſoever.* And I do declare, " That no foreign Prince, Perſon, Prelate, State, or Po- " tentate, hath or ought to have any Power, Juriſdiction, " Superiority, Pre-eminence, or Authority eccleſiaſtical " or ſpiritual within this Realm."

And ſhall ſubſcribe a Profeſſion of their Chriſtian Belief in theſe Words;

" I *A. B.* profeſs Faith in God the Father, and in *Jeſus* " *Chriſt* his eternal Son, the true God, and in the holy " Spirit, one God bleſſed for evermore; and do acknow- " ledge the Holy Scriptures of the Old and New Teſta- " ment to be given by divine Inſpiration."

Which Declarations and Subſcription ſhall be made and entered, of record at the general Quarter Seſſions of the Peace for the County, City, or Place where every ſuch Perſon ſhall then reſide. And every ſuch Perſon ſhall be exempted from all the Pains and Penalties of all and every the afore-mentioned Statutes made againſt Popiſh Recuſants, or Proteſtant Non-conformiſts, and alſo from the Penalties of an Act made in the 5th *Elizabeth*, intituled, *An Act for the Aſſurance of the Queen's Royal Power over all Eſtates and Subjects within her Dominions*; and alſo from the Penalties of an Act made in the 13th and 14th *Charles* II. intituled, *An Act for preventing Miſchiefs that may ariſe by certain Perſons called* Quakers, *refuſing to take lawful Oaths*; and enjoy all other the Benefits, Privileges, and Advantages under the like Limitations, Proviſoes and Conditions, which any other Diſſenters ſhall or ought to enjoy by Virtue of this Act.

Provided always, That all the Laws made and provided for the frequenting of Divine Service on the Lord's Day, commonly called *Sunday*, ſhall be ſtill in Force, and executed againſt all Perſons that offend againſt the ſaid Laws, except ſuch Perſons come to ſome Congregation or Aſſembly of religious Worſhip, allowed or permitted by this Act.

Provided always, That neither this Act, nor any Clauſe, Article, or Thing herein contained, ſhall extend or be conſtrued to extend to give any Eaſe, Benefit, or Advantage to any Papiſt or Popiſh Recuſant whatſoever,

or

or any Perſon that ſhall deny in his preaching or writing the Doctrine of the bleſſed Trinity, as it is declared in the aforeſaid Articles of Religion.

Provided always, That if any Perſon or Perſons, at any Time or Times after the *tenth* Day of *June*, do and ſhall willingly and of purpoſe, maliciouſly or contemptuouſly come into any Cathedral or Pariſh Church, Chapel, or Congregation permitted by this Act, and diſquiet or diſturb the ſame, or miſuſe any Preacher or Teacher, ſuch Perſon or Perſons, upon Proof thereof, before any Juſtice of Peace, by two or more ſufficient Witneſſes, ſhall find two Sureties to be bound by Recognizance in the penal Sum of *fifty Pounds*, and in default of ſuch Sureties ſhall be committed to Priſon, there to remain till the next General or Quarter Seſſions; and upon conviction of the ſaid Offence at the ſaid General or Quarter Seſſions, ſhall ſuffer the Pain and Penalty of *Twenty Pounds*, to the Uſe of the King's and Queen's Majeſties, their Heirs and Succeſſors.

Provided always, That no Congregation or Aſſembly for religious Worſhip ſhall be permitted or allowed by this Act, until the Place of ſuch Meeting ſhall be certified to the Biſhop of the Dioceſe, or to the Arch-deacon of that Arch-deaconry, or to the Juſtices of the Peace at the General or Quarter Seſſions of the Peace for the County, City or Place, in which ſuch Meeting ſhall be held, and regiſtered in the ſaid Biſhop's or Arch-deacon's Court reſpectively, or recorded at the ſaid General or Quarter Seſſions; the Regiſter or Clerk of the Peace whereof reſpectively is hereby required to regiſter the ſame, and to give Certificate thereof to ſuch Perſon as ſhall demand the ſame, for which there ſhall be no greater Fee nor Reward taken than the Sum of *Six-pence*.

In the Reign of Queen *Anne*, this Act not being ſufficient, further Proviſion was made by an Act paſſed in the 10th Year of her Reign, *cap.* 2. as follows, *viz.*

Stat. 10 Anne, c. 2.

" An Act* for preſerving the Proteſtant Religion, by " better ſecuring the Church of *England*, as by Law eſta- " bliſhed; and for confirming the Toleration granted to " Proteſtant Diſſenters by an Act intituled, *An Act for* " *exempting their Majeſty's Proteſtant Subjects, diſſenting* " *from the Church of* England, *from the Penalties of certain*

* This Act was repealed ſo far as the 7th Section, by the 5 *Geo.* I. c. 4. Seſſ. 1.

" *Laws*,

" *Laws*, and for ſupplying the Defects thereof; and for " the further ſecuring the Proteſtant Succeſſion, by re- " quiring the Practicers of the Law in *North Britain* to " take the Oaths, and ſubſcribe the Declaration therein " mentioned.

" Whereas an Act was made in the thirteenth Year of " the Reign of the late King *Charles the Second*, intituled, " *An Act for the well governing and regulating of Corpora-* " *tions*; and another Act was made in the five and twen- " tieth Year of the Reign of the ſaid late King *Charles* " the Second, intituled, " An Act for the preventing " Dangers which may happen from *Popiſh Recuſants*; both " which Acts were made for the Security of the Church " of *England*, as by Law eſtabliſhed; now for the better " ſecuring the ſaid Church, and quieting the Minds of " her Majeſty's Proteſtant Subjects, diſſenting from the " Church of *England*, and rendering them ſecure in the " Exerciſe of their religious Worſhip, as alſo for the " further ſtrengthening the Proviſion already made for the " Security of the Succeſſion to the Crown in the Houſe " of *Hanover*;" be it enacted, *&c.* " After 25th *March*, " 1712, If any Officer, Civil or Military, *&c.* who re- " ceives any Salary, *&c.* or if any Magiſtrate of a Cor- " poration, *&c.* who by the Acts of 13 & 25 *Car.* II. are " obliged to receive the Sacrament, ſhall after their Ad- " miſſion into their Office, and during their Office, and " during their Continuance in it, be preſent at any Con- " venticle, *&c.* ſuch Perſon ſhall forfeit 40*l.* to be reco- " vered by the Proſecutor. Every Perſon ſo convicted " ſhall be diſabled to hold his Office, *&c.* and incapable of " any Employment in *England*, *&c.* any Perſon after Con- " viction, conforming to the Church of *England*, for one " Year, *&c.* ſhall be capable of the Grant of any Office. " Every ſuch Perſon to make Oath the next Term after " Admiſſion into any Office, or at the *Quarter Seſſion*, *&c.* " that he hath conformed, *&c.* Oath to be made of the " Offence within ten Days, and Proſecution within three " Months, *&c.* This Act ſhall not vacate any Office of " Inheritance, ſo as a ſufficient Deputy be appointed to " execute it.

§ VII. It is hereby further enacted and declared, by the Authority aforeſaid, " That the Toleration granted " to the Proteſtant Diſſenters, by the Act made in the " firſt

" firſt Year of the Reign of King *William* and Queen " *Mary*, intituled, *An Act for exempting their Majeſties* " *Proteſtant Subjects, diſſenting from the Church of* Eng- " land *from the Penalties of certain Laws*, ſhall be, and it is " hereby ratified and confirmed, and that the ſame Act " ſhall at all times be inviolably obſerved for the exempting " of ſuch Proteſtant Diſſenters, as are thereby intended, " from the Pains and Penalties therein mentioned."

" And for rendering the ſaid laſt mentioned Act more " effectual, according to the true intent and meaning " thereof;" Be it further enacted and declared by the Authority aforeſaid, That if any perſon diſſenting from the Church of *England*, (not in holy Orders, or pretended holy Orders, or pretended to holy Orders, nor any Preacher or Teacher of any Congregation) who ſhould have been intitled to the Benefit of the laſt-mentioned Act, if ſuch perſon had duly taken, made and ſubſcribed the Oaths, and Declaration, or otherwiſe qualified him or herſelf, as required by the ſaid Act, and now is or ſhall be proſecuted upon or by Virtue of any of the penal Statutes, from which Proteſtant Diſſenters are exempted by the ſaid Act, ſhall at any time during ſuch proſecution, take, make, and ſubſcribe the ſaid Oaths and Declarations, or being of the People called *Quakers*, ſhall make and ſubſcribe the aforeſaid Declaration, and alſo the Declaration of Fidelity, and ſubſcribe the Profeſſion of their Chriſtian Belief, according to the ſaid Act, or before any two of her Majeſty's Juſtices of the Peace (who are hereby required to take and return the ſame, to the next Quarter Seſſions of the Peace to be there recorded) ſuch Perſon ſhall be, and is hereby intitled to the Benefit of the ſaid Act, as fully and effectually, as if ſuch perſon had duly qualified himſelf within the Time preſcribed by the ſaid Act, and ſhall be thenceforth exempted and diſcharged from all the Penalties and Forfeitures incurred by Force of any the aforeſaid penal Statutes.

" And whereas it is or may be doubted whether " a Preacher or Teacher of any Congregation of diſſen- " ting Proteſtants, duly in all Reſpects qualified ac- " cording to the ſaid Act, be allowed by Virtue of the " ſaid Act, to officiate in any Congregation in any " County other than that in which he ſo qualified him- " ſelf, although in a Congregation or Place of Meet-

" ing

" ing duly certified and regiſtered as is required by the " ſaid Act;" it is declared and enacted by the Authothority aforeſaid, That any ſuch Preacher or Teacher, ſo duly qualified according to the ſaid Act, ſhall be and is hereby allowed to officiate in any Congregation, although the ſame be not in the County wherein he was ſo qualified; Provided, that the ſaid Congregation, or Place of Meeting, hath been before ſuch officiating duly certified and regiſtered or recorded according to the ſaid Act: And ſuch Preacher or Teacher, ſhall, if required, produce a Certificate of his having ſo qualified himſelf, under the Hand of the Clerk of the Peace for the County or Place where he ſo qualified himſelf, which Certificate ſuch Clerk of the Peace is hereby required to make, and ſhall alſo, before any Juſtice of the Peace of ſuch County or Place where he ſhall ſo officiate, make and ſubſcribe ſuch Declaration, and take ſuch Oaths as are mentioned in the ſaid Act, if thereunto required.

Part of the above Act, having been repealed, as mentioned in the Margin, by the 5th *Geo.* I. intituled An Act for ſtrengthening the Proteſtant Intereſt in theſe Kingdoms, there was ſome Addition made to theſe Laws, namely, That the Toleration granted to Proteſtant Diſſenters, by 10 *Anne*, and alſo one Act made in the 12 *Anne*, intituled, *An Act to prevent the Growth of Schiſm, and for the further Security of the Churches of* England *and* Ireland, *as by Law eſtabliſhed*, ſhall be and are thereby repealed, annulled, and made void.

Provided always, That if any Mayor, Bailiff, or other Magiſtrate, in that Part of *Great Britain* called *England*, the Dominion of *Wales*, or the Town of *Berwick* upon *Tweed*, or the Iſles of *Jerſey* or *Guernſey*, ſhall knowingly or wilfully reſort to, or be preſent at any publick Meeting for religious Worſhip, other than of the Church of *England*, as by Law eſtabliſhed, in the Gown or other peculiar Habit, or attended with the Enſign or Enſigns of or belonging to ſuch his Office, that every ſuch Mayor, Bailiff or other Magiſtrate, being thereof convicted by due Courſe of Law, ſhall be diſabled to hold ſuch Office or Offices, Employment or Employments, and ſhall be adjudged incapable to bear any publick Office or Employment whatſoever within that Part of *Great Britain* called *England*, the Dominion of *Wales*, and Town

Town of *Berwick* upon *Tweed*, or Iſles of *Jerſey* and *Guernſey*.

The laſt Statute is the principal Law relative to Proteſtant Diſſenters in *England*.

The *Preſbyterians* will not allow any Order in the Church, as eſtabliſhed by *Chriſt* and his Apoſtles, ſuperior to that of *Preſbyters*. And they affirm that all Miniſters, being Ambaſſadors of *Chriſt*, are equal by their Commiſſion, and that *Elder* (or *Preſbyter)* and *Biſhop*, are the ſame in Name and Office. As to Doctrine they agree with the Church of *England* in all Eſſentials; the only Difference between them and the national Church, being about Diſcipline, or Church Government.

The Ordination of their Miniſters is by Prayer, Faſting and Impoſition of the Hands of the Preſbytery, according to 1 *Tim.* iv. 14.

Support. Their Support is by voluntary Contributions or a kind of Aſſeſſments, which the ſeveral Congregations make amongſt, and upon themſelves, for the Maintenance of their Miniſters, the upholding of the Meeting-houſes, and for other Purpoſes incident to their reſpective Communities. And as theſe Meetings and Congregations of the ſeveral Denominations are increaſed to a very great Number, and their Miniſters are provided for in a handſome manner, and the other neceſſary Expences, in ſupporting their Church, run high; it is ſomewhat ſurprizing both what Hearts, and what Abilities, are to be found amongſt our *diſſenting* Brethren, to pay ſo dear for the Doctrine of the Goſpel, over and above the parochial Tythes, Duties and Demands, to which they are compelled by Law; when we often ſee a miſerly Churchman contriving means to defraud his Miniſter; or to evade the Payment of his Dues, and always murmuring at the Rates made for the ſupport of the Church, and the eſtabliſhed Miniſtry.

Independents. *Independents* are ſo named from holding the *Independency of Churches*; or that each Church or Congregation has ſufficient Power to act, and to do, every thing relating to religious Government, within itſelf, and is no ways ſubject or accountable to other Churches or their Deputies. Hence they were alſo called *Congregationaliſts*, who in forming their Church Government, declared, That *they conſulted the Scriptures without any Prejudice: and that they*

they conſidered the Word of God, as impartially as Men of Fleſh and Blood are like to do, in any juncture of time. And their Principles, upon which they founded their Church-Government, were to confine themſelves to what the Scriptures preſcribed, without paying any regard to the Opinions or Practice of Men, and not to tie themſelves down ſo ſtrictly to their preſent Reſolutions, as to leave no room for Alteration, upon further Views and Enquiry. They diſallow parochial and provincial Subordinations, and form all their Congregations on a Scheme of Co-ordinancy, allowing ſome ſort of ceremonious preference to the elder Church or Congregation, but without any Addition of Authority over the younger Congregations.

Their public Officers are ſtiled Paſtors, Teachers, ruling Elders and Deacons.

The *Anabaptiſts* in *England* differ very little from the other *Proteſtant Diſſenters*, either in Doctrine or Church Government; except the rejecting of *Infant Baptiſm*; and the Neceſſity of Immerſion. Anabaptiſts.

In the Days of Confuſion there aroſe the People called *Quakers*, who agree with none of the foregoing Denominations, either in Worſhip, Doctrine, or Church-Government. They take their Name from certain unuſual Convulſions or *Tremblings*, or *Quakings*, with which they, in their infant State, were wont to be ſeized. Quakers.

This Sect ſprung from *George Fox*, a Shoe-maker, of *Drayton* in *Leiceſterſhire*; who, giving himſelf up much to reading and meditation upon the Scriptures, in the Exerciſe of his Trade, and being of a melancholy Diſpoſition, imagined that God favoured him with heavenly Viſitors, and called him to the Miniſtry of his Word. Accordingly he began to preach, and to form a *new Church*. He propoſed very few Articles of Faith. He inſiſted chiefly on moral Virtue, mutual Charity, the Love of God, a deep attention to the inward Motions and ſecret Operations of the Spirit; required a plain ſimple Worſhip, and a Religion with no Rites and Ceremonies; and made it a principal Point to wait, in profound ſilence, for the Directions of the holy Spirit. As for the Extravagances of his immediate Followers, we ſhall pay no regard to ſuch Reveries; and only conſider *Quakers*, as now ſettled in a regular Body.

They profeſs great Auſterity of Behaviour, a ſingular Probity and Uprightneſs in their Dealings, a Shyneſs of Diſcourſe, great Frugality at their Tables, and a remarkable Plainneſs and Simplicity in their Dreſs: and we ſhould be ſorry to aſſert under their Name, any thing relating to their claim to Chriſtianity, and to their Syſtem of Government, which could not be juſtified. Therefore let us abſtract their principal Doctrines from *Barclay*'s Apology, who writes, that the *Quakers* "believe and teach that God hath given to all Men, without Exception, *ſupernatural Light*, which being obeyed can ſave them; and that this Light is CHRIST, *the true Light, that lighteth every Man, that cometh into the World:* That the Scriptures were indeed given by Inſpiration, and are preferable to all other Writings in the World; but that they are no more than a ſecondary Rule of Faith and Practice, in Subordination to the Light or Spirit of God, which is the primary Rule: "That immediate Revelation is not ceaſed, *a meaſure of the Spirit being given to every one to profit withal:* That in divine Worſhip, Men and Women ought to wait in Silence the Motions of the Spirit, before they open their Mouths in Prayer to God, or in Teſtimony to the People: "That all Superſtitions and Ceremonies of mere human Inſtitution in Religion, ought to be laid aſide; as alſo in civil Society: "That no Ceremony of pulling off the Hat, bowing, or the the like, ſhall be uſed, and that the Word *Thou* ſhall be uſed to a ſingle Perſon, inſtead of *You*, in Converſation. And laſtly they require that Men and Women ſhall be plain and grave in their Apparel, ſober and juſt in their whole Converſation; and, *at a word*, in all their Dealings; and not to ſwear, or fight, or bear any carnal Weapons. To this may be added, That they entirely ſet aſide the uſe of the two *Chriſtian* Sacraments, Baptiſm, and the Lord's Supper: They reject all Miniſtry and Ordinances; and any one without Diſtinction of Equality, or Sex, who is of an unexceptionable Life, and believes himſelf or herſelf to be moved thereunto by the Spirit, is allowed to preach or prophecy (they call it *ſpeaking*) in their Aſſemblies or Meetings. They declare ſo heartily for univerſal Liberty of Conſcience, That *Barclay* affirms in his 14 *Propoſ.* "The Power of the civil "Magiſtrate doth not extend to Matters purely religious,

"and

" and partaining to the Conſcience." And they look upon the Words of JESUS, *Swear not at all*, to be a Prohibition of ſolemn or legal, as well as of idle and prophane ſwearing. On which Account the Legiſlature has allowed the *Quakers* to give a ſolemn *Affirmation*, in all Cauſes, except where Life is concerned, inſtead on *Oath*, liable to the ſame Puniſhment alſo as Perjury, if untrue.

As to the *doctrinal* Part of *Chriſtianity*, it is hard to ſay what their Opinions are. It is pretended, they acknowledge the *three that bear record in Heaven*, but reject the School-terms of *Trinity*, *Hypoſtaſis*, &c. as unſcriptural. They have been charged with denying the Incarnation, Humanity, and even Divinity, of *Chriſt*, and with allegorizing away the Crucifixion, Reſurrection, and Aſcenſion of our Lord.

As to *Diſcipline* and *Polity*; the Affairs of the Community are managed in their Aſſemblies, of which there are ſeveral Kinds; as monthly, quarterly, yearly, ſecond Days Meetings, and Meetings of Sufferings.

The monthly and quarterly Meetings are held in their reſpective Counties. To theſe Deputies are ſent from the ſeveral particular Meetings. Here Enquiry is made into the State of each Meeting; who violate the Rules of the Community; who pay Tithes (which they look upon as Antichriſtian) or Church-rates; and who ſuffer for Non-payment of either; and accordingly they proceed to approve or cenſure. Here too they excommunicate, and receive again to Communion. Of all which exact Regiſters are kept.

From theſe Meetings Appeals lie to their yearly Aſſemblies, which are always held in *London*, and conſiſt of three Orders or Claſſes: namely, Repreſentatives ſent from the quarterly Meetings, Correſpondents for the ſeveral Counties, and foreign Countries, and Miniſters or Preachers. Hither are tranſmitted Accounts of what has been tranſacted in all the monthly and quarterly Meetings. Here Meaſures are concerted, and Directions given as to Behaviour about Tythes, Rates, &c. and here they compoſe Differences, and make Proviſion for the Poor. Here public Accounts are audited; and proper Inſtructions given to the Deputies, to be obſerved at their Return; and from hence a yearly Epiſtle of Admonition

is dispatched, to be read in all the monthly and quarterly Meetings.

The *Second Days Meeting* is a standing Committee, consisting of the principal Preachers in and about the City, who meet every Monday to concert particular Cases and Exigencies, which happen between the yearly Meetings.

The *Meeting of Sufferings* is held likewise every Week, and consists of the Correspondents for each County. Its Business is, to receive Complaints from such as have suffered for Non-payment of Tythes and Rates, and to procure them relief, either by sending them Money (for which they have settled a Fund) or by soliciting their Cause, or both.

Who comprised in the Act of Toleration.

The *Dissenters* strictly comprised in the *Act of Toleration*, can be looked upon to be no other, but the three Denominations of *Presbyterians*, *Independents*, and *Anabaptists*.

But there are many other Denominations that call themselves *Christians*, which take sanctuary in the *Act of Toleration*, under the Wings of those three original Sects. Such as *Independent-Baptists*, *Sabbatarians*, *Sabbatarian-Baptists*, *Antinomians*, *Muggletonians*, *Methodists*, *Armenians*, and *Socinians*. Though these two last are rather to be found in the Doctrine and Principles of Churchmen and Dissenters, than in any particular separate Congregation.

Independent-Baptist.

The *Independent Baptist* means no more than a *Baptist* under the Independent Model of Church Government.

Sabbatarians.

The *Sabbatarians* are so called from their strict Observance of the *seventh Day* of the Week, as the proper Day or *Sabbath*, set apart for the Worship of God. And justify their Practice by alledging, that the *Jewish* Sabbath was never abrogated by the New Testament: and that where God has given a command, it is the Creature's Duty to observe and obey it, till abrogated or altered by another express divine Command.

Sabbatarian-Baptist.

A *Sabbatarian-Baptist* is a Baptist, who, to his other Tenets, adds the *Sabbatarian* Practice and Observation of the Seventh Day.

Antinomians.

Antinomians run into the other extreme, and teach that the Law is of no use under the Gospel Dispensation. And they are said to hold, "That good Works do not further, nor evil Works hinder our Salvation, and that a Child

of

of GOD cannot ſin; with many other ſtrange Doctrines and Opinions.

The *Muggletonians* ſpring from *Lodowick Muggleton*, a Journeyman Taylor, and his Aſſociate *Reeves*, in the Year 1657. Theſe two ſet up for great Prophets; aſſumed the Character of the two laſt Witneſſes of God, that ſhould appear before the End of the World, and pretended to a Power to ſave, and to damn, whom they pleaſed. This Sect, at firſt, gained much credit, in thoſe Days, when Enthuſiaſm and Diſtraction divided the Nation: But there is no more than juſt a faint Reſemblance of the Original preſerved in the Meeting of a very few peaceable, and well-meaning Men, miſled by the Error of their own Judgment, in regard to the divine Authority of the Scriptures, and the State of the Dead. Muggletonians.

Of late Years the Nation has been ſub-divided and diſturbed by a new Sect of Separatiſts, called *Methodiſts*, who under the pretence of being *more righteous* before GOD, and more ſtrict in the Doctrine and Principles laid down in the Articles and Homilies of the Church of *England*, made no Scruple to ſet up an Altar, and a Pulpit, in Oppoſition to their Mother Church, and to enforce a Faith and Practice unknown to the Church of *England*. This Schiſm was begun about the Year 1734, by ſeveral young Divines of *Oxford*, who pretended to a more regular Way of Life, than their Cotemporaries at College, and to a more orthodox Doctrine, and powerful Method of Preaching the Word of *God*; which they affirmed was not preached to the People ſo fully and fairly, as it ought to be.* But when the moſt forward of them found a large Field of Credulity, and the popular Inclination to ſwallow down their Abuſe and Scandal, retailed, on all Occaſions, to the ignorant Populace againſt their ſtated Miniſters, and that the moſt ready Way to preferment appeared to ſet up a Tabernacle for themſelves, Meſſrs. *John* and *Charles Weſtley*, and Mr. *George Whitfield*, purſued this Plan with all their Might and Bitterneſs againſt their Mother Church, in whoſe Arms they had been ſo lately nurſed. Methodiſts.

* See Mr. *Whitfield*'s Preface to the firſt Edition of his firſt Volume of Sermons.

For a ſhort Time theſe three united their joint Forces to increaſe and confirm, in their numerous Followers, at *Field Preaching*, the diſlike of the ſettled parochial Clergy, and to conciliate their Eſteem for new up-ſtart Doctrines. Then their Purſes were tried: And when it was found that Men pay more freely for their own Pleaſure, than for a much better Matter impoſed by Law and Authority, the Preachers grew jealous and envious of one another; ran counter in ſome Points of Doctrine; and at laſt ſplit into two Parts; the one by the Name of *Whitfieldites*, and the other *Weſtfilites*: both of them, to this Day, priding themſelves in wearing the Garb of a Miniſter of the Church of *England*; but neglect the Uſe of the Liturgy, and in its Place ſubſtitute extemporary Prayers: and they not only preach in the Highways, Fields, and Meeting Houſes of any, and every Denomination; but they employ Lay-men, and ignorant Pretenders, and Enthuſiaſts to ſupply their Places, when abſent, to preach, and, as they call it, to expound the Scriptures. By which Means, ſuch is the Medley of their Doctrines and Practices, ſo changeable, and ſo inconſiſtent, that the moſt penetrating Obſerver, has not been able to dive into their Syſtems, any otherwiſe, than they find the Whole calculated to raiſe Money. Which End has been anſwered ſo effectually, that many and large Meeting Houſes have been built by both Parties, at a very extraordinary Expence, and their Preachers have gathered more Riches, than many of our Biſhopricks are worth, in their annual Revenues.

Moravians. There is alſo a Set of People, who arrived in *England* about the Year 1737, known by the Name of *Unitas fratrum*, or the *United Brethren*, of the *Moravian* Church, under Epiſcopal Juriſdiction: though conſtituted in ſuch a Form, as to be really joined in Love with all *Proteſtants*. Their Doctrine is acknowledged to agree in all Points with the Confeſſion of *Augſbourg*; and their Succeſſion to be derived from the earlieſt Account of Time, through the Adminiſtration of the *Waldenſes*, of which we read the following Teſtimony of Archbiſhop *Sancroft*, in an Account of the diſtreſſed Eſtate of the ancient Church of the *Fraternal Unity* addreſſed to the Church of *England* in King *Charles* the Second's Reign; where it is ſet forth, " That the *Bohemian* (or *Moravian*) Church has " been

" been free from her Infancy, for almoſt ſeven hun-
" dred Years, from the Encroachments of the *Roman* See:
" Cruſhed at laſt by its prevailing Power, was ſinking
" apace into Death and Ruin. When being ready to ex-
" pire, ſhe brought forth a *Benoni*, a Progeny, which
" growing up in ſeveral Parts of *Bohemia*, animated and
" acted by one and the ſame Spirit, obtained the Name
" of *Unitas Fratrum*, Fraternal Unity." And " That
" this Fraternity, the Heireſs of the truly ancient Faith,
" watered and enriched with the Blood of *John Huſs*, and
" *Jerome* of *Prague*, her famous Martyrs, taking deep
" Root in *Bohemia*, ſpread its Boughs as far as *Poland*,
" renounced the growing Errors of Popery, and pre-
" ſerved the Succeſſion of epiſcopal Orders.

Comenius adds, " That in their Diſtreſs, the Brethrens
" chief Concern was about Paſtors for the Souls;
" whence they ſhould get them, when thoſe they had at
" preſent ſhould deceaſe. At length, in the Year 1467,
" the chief Perſons from *Bohemia* and *Moravia*, about
" ſeventy in number, aſſembled at a Village near *Rich-*
" *now*, called *Lhota:* and, having poured forth many
" Prayers and Tears to God, that he would vouchſafe to
" ſhew whether he approved of their Deſign, they re-
" ſolved to enquire the divine Will by Lot. They
" then choſe nine Men by Vote amongſt themſelves,
" whom they judged particularly fit for the Miniſtry;
" and, having put into the Hands of a Child twelve
" Pieces of Paper folded up, they bid him diſtribute to
" thoſe nine Men, a Paper to each. Nine of theſe Pa-
" pers were blank, and three had the Word EST, *it*
" *is*, written on each of them; ſo that it was poſſible all
" nine might have got blank Papers, which would have
" imported a negative Will of God. But, ſo it hap-
" pened, that the three on which was wrote the Word
" EST, *it is*, fell to the Lot of *Matthias Kuchnwald* a very
" pious Man; *Thomas Przelaucius*, a learned Man, and
" *Elias Krzenowius*, a Man of ſingular Prudence: theſe
" found *Stephen*, Biſhop of the *Waldenſes*. Who ſending
" for the other Biſhop, and ſome of the Miniſters, de-
" clared to them their Succeſſion from the Time of *Con-*
" *ſtantine*, &c. They created thoſe three Biſhops by Im-
" poſition of Hands, and ſent them back in Peace to or-

" dain, whom they pleaſed, to keep up the Epiſcopal " Church of *Bohemia* and *Moravia.*"

This Church, without cenſuring any other about the Mode of eccleſiaſtical Order and Government, preſcribes to herſelf that, which ſeems more conformable to the primitive Times. The Function of Biſhops in the Unity, is the ſame as in the univerſal Church, for the governing of the eccleſiaſtical Conſtitution, and the ordaining of its Miniſters.

This *Bohemian*, and *Moravian* Church had always *Chorepiſcopi* alſo to aſſiſt the Biſhops. So the whole clerical Order among the Brethren, conſiſts of five Degrees, *viz. Acoluths*, who are young Perſons to be prepared for the Miniſtry, Deacons, Miniſters, or Prieſts, *Chorepiſcopi*, and Biſhops without any certain Seat or ſtated Dioceſs. Which is, and muſt be always the Caſe in a Pilgrim Church, and obnoxious to ſo many Viciſſitudes, as this has been. See *Acta Fratrum Unitatis* in ANGLIA, 1749, p. 112, &c.

This Church, having no ſettled Revenues from the State under which they exerciſe their Religion, and finding, by Experience, that there can be no Perminence without the Means of Subſiſtence, they have by the means of ſome great and good Men found a way to raiſe an artificial Fund to anſwer the Demands of their Conſtitution. Which I conceive to be a Sort of common Stock, employed in ſending out and ſettling Colonies, and improved by Induſtry and Manufactures; to make the ſecular Part ſupport the eccleſiaſtick, and to pay the Expence of ſending Miſſionaries to convert the Heathens in different and moſt diſtant Parts of the World, and even to preach to the Slaves at *Algiers*.

For this Purpoſe the *Moravian* Rulers applied to the *Britiſh* Government, and obtained Leave to ſettle in the Deſerts of *North-America*. And ſeveral Places in our own Iſland, eſpecially *Pudſey*, near *Leeds*, in the *Weſt-Riding* of *Yorkſhire*, enjoy a Share of their Labours and Expences in a well regulated Manufactory of Cloth, *&c.*

Their preſent flouriſhing State is owing, under God, chiefly to that noble and excellent Perſon, Count *Zinzendorff*, whoſe Eſtate laid in the *Upper Luſatia*, on the Borders of *Bohemia* and *Sileſia*, which he dedicated to the Uſe, and for the Preſervation of the perſecuted Remains of the

the *Moravian* and *Bohemian* Churches, in his ſmall Territory or Dominion. To whom Biſhop *Jablonſky* writes ſo early as 14 *March*, 1735. "I am no Ways able to "expreſs the inward Joy of my Heart, which I feel on "that Account, that the merciful God, in my old Age, "has let me yet live to ſee how our beloved *Bohemian* "*Moravian* Brethrens' Congregation, which, in her "native Country, was ſuppreſſed, and ſeemed to be ex-"tinguiſhed, has yet been counted worthy by God to "diſperſe the Seed of his holy Goſpel, even amongſt the "remoteſt Nations in the old and new World."

From a ſmall Account publiſhed in the Year 1758, in the *French* Tongue, we ſhall add the following inconteſtable Facts.

The Church of the Brethren of *Bohemia* and *Moravia* began or appeared in the Form of a particular and viſible Church in the Year 1457. At which time they ſeparated from the *Taborites*, and took ſanctuary near to *Lititz*, on the Borders of *Sileſia*, in the hereditary Country of *George Podiebrad* King of *Bohemia*.

The Members of this Church took to themſelves the Name of *The Brethren*, and being compoſed of *Bohemians* and *Moravians*, they were called the Brethren of *Bohemia* and *Moravia*. But upon the Perſecution of the *Vaudois*, they being joined by a great Number of the Refugees of that Denomination, they were for ſome time included under the common Appellation of *Vaudois*.

Some Time after this Community being diſperſed into ſeveral Nations, as *Pruſſia*, *Poland*, *England*, *Wertenberg* and *Saxony*, each of thoſe Emigrations became new Settlements, and their Church, thus diſperſed, was branched out with People of divers Countries, in ſuch a Manner as made it impoſſible to diſtinguiſh them under the Name of each Nation in which they were ſettled. Therefore they took up the general Name of *Brethren of the Unity*, or *United Brethren:* the Name which all their different Colonies have taken for three hundred Years paſt, and by which they are at preſent known and recognized by the Parliament of *Great Britain*, &c. except the Directory of the Evangelic Miniſtry in *Saxony*, who, in the Year 1750, call them *Evangelic Brethren*.

It

It is certain that this Church of *Lititz*, which was eſtabliſhed and flouriſhed *cinquant Anes*, before the Reformation, was an *Eſclavonian* Church, deſcended from the ancint Chriſtians of *Bulgaria*, and conſequently a *Greek* Church; and by preſerving the Purity of evangelical Faith from the Superſtitions of her *Greek* Mother, this became the only viſible evangelical Church after the Fall of the oriental Church.

This expoſed them to continual Perſecution from the Weſtern or *Latin* Churches. And in Courſe of Time many of the *Bohemian* and *Moravian* People were compelled to ſubmit (at leaſt outwardly) to the *Romiſh* Religion. They, who were ſtronger in Faith, came to a Reſolution to quit their native Country, and to ſeek a peaceable Enjoyment of their Religion in ſtrange Countries. And ſome others, who continued in their own Country, ſeparated from their conforming Brethren, maintained the Faith, and exerciſed their Religion in private. In this Manner they continued down to our Days, in which they have found a favourable Opportunity to make ſolid Eſtabliſhments, and openly to profeſs their Religion.

It muſt be alſo obſerved, that the Church of *Lititz* at its firſt Eſtabliſhment, received epiſcopal Ordination, and Sanction from the *Vaudois*. And that, long after, when their laſt Biſhop *Etienne*, or *Stephen*, was burnt at *Vienna*, the Members of this Church were received in *Bohemia* and *Moravia*. In fine, that the ſaid Church ſince the Reformation has been admitted to the brotherly Union of thoſe Churches, which embrace the Doctrine of the Goſpel.

Luther and *Calvin* held this Church in great Eſteem: and thoſe Brethren conducted themſelves with the greateſt impartiality towards thoſe Reformers, keeping the middle Way between the *Lutherans* and *Calviniſts*. And by the Advice of the *Calviniſtical* Divines, the *Polonian Proteſtants*, of the *Helvetic* Confeſſion, joined themſelves to the Brethren of the *Polonian* Branch. Which Union was ſolemnly made in the Synod of *Sendomir*, A.D. 1576. But before this Union *John De Laſco* their Biſhop, was in the Year 1549, called from *Poland* to *London*, to preſide over the foreign Churches ſettled in the great Church of late the *Auguſtine* Friars. *John Amos Commenius*, who is thought

thought to be the laſt Biſhop of the Brethren in the *Moravian* Branch, wrote the Hiſtory of the Church of the Brethren: which he calls his Mother: and in his Dedication thereof to King *Charles* II. commends the ſaid Church in a moſt preſſing manner to the Care of the Church of *England*. Which Exhortation, though it met not with its immediate Effect, laid the Foundation of that ſeaſonable Relief, the Brethren, reduced to the loweſt Ebb in the Year 1716, met with from King *George* I. and his Privy-Counci, which ordered Sermons and charitable Contributions to be made in *England* for their help, and recognized them to be an ancient evangelic epiſcopal Church.

In the Year 1722, almoſt 100 Years from the Time of their coming into *Moravia*, the Brethren, who had left the *Romiſh* and embraced the *Evangelic* Religion, addreſſed themſelves, and were recommended by charitable Friends to Count *Zinzendorff*, to find a Place of ſafe Retreat in ſome Proteſtant Territories. This could not be ſo eaſily effected. Wherefore the good Count permitted them to ſettle upon his own Territory, and Eſtate near the Village of *Bertholdſdorff*. By which was laid the Foundation of the Colony called *Herrenhout*, i. e. The *Defence of the Lord*, ſituated at the Foot of a Hill called *Hutberg*, in the Road to *Prague*. Nevertheleſs the Emigration of the true Deſcendants of the ancient Brethren of *Moravia*, was not made till between the Year 1724, and 1733.

Herrenhout was not capable of holding all that fled thither to join that Church. The Brethren ſought new Eſtabliſhments in *Saxony*, *Brandenburgh*, *Sileſia*, *Vogtland*, on the Banks of the *Rhine*, in *Holland*, *England*, *Ireland*, and in *Britiſh America*. And being received and privileged by the Sovereigns of theſe different States, the Brethren ſent out and eſtabliſhed ſeveral Miſſions alſo for the Converſion of the Heathens; having obtained epiſcopal Ordination from the Biſhops of the Brethren of the Branch of *Poland*.

In the Year 1736, Dr. *John Potter* Archbiſhop, of *Canterbury*, recommended the Brethren of *Herrenhout* to the Governors of *Georgia*, to be by them employed in the Converſion of the Negroes and *Indian* Natives; and vouched for their being Members of an apoſtolick and epiſcopal Church, and that their Doctrine was not contrary

to

to the thirty-nine Articles of the Church of *England:* And Count *Zinzendorff* having received epiſcopal Ordination and Conſecration, the ſame illuſtrious Prelate, in his Letter of Solicitation on that Occaſion, expreſſes himſelf concerning the Church of the Brethren, in theſe Words. *Sanctum vereque illuſtrem Cathedram . . . . Una cum pura, primævaque Fide, primævam etiam Eccleſiæ Diſciplinam conſtanter adhuc tuentem*, i. e. *A holy and lively illuſtrious Church, which has preſerved hitherto the Diſcipline of the primitive Church with the Purity of the ancient Faith.* And this Report of the Archbiſhop greatly ſwayed with the Committee of the Houſe of Commons, and with the Houſe of Lords aſſembled in Parliament, when in the Year 1749, they acknowledged the Brethren to be an ancient epiſcopal Church, and worthy to be taken under the Protection of the Laws of *Great Britain.*

Theſe *Chriſtian* People, having laid out great Sums of Money in our Colonies, and other Parts of the *Britiſh* Dominions, and having ſeveral Scruples about taking Oaths and bearing of Arms, which frequently made them uneaſy, and greatly obſtructed the Progreſs of their Colonies and Settlements, applied to Parliament for Relief, and certain Privileges or Exemptions: and it was ſet forth in the 21 *George* II. That "Whereas many of the "People of the Church or Congregations called the "*Unitas Fratrum*, or *United Brethren*, are ſettled in his "Majeſty's Colonies in *America*, and demean themſelves "there, as a ſober, quiet, and induſtrious People; and "many others of the ſame Perſuaſion, are deſirous to "tranſport themſelves to, and make larger Settlements "in the ſaid Colonies at their own Expence, *provided* "they may be indulged with a full Liberty of Conſci-"ence, and in the Exerciſe of the Religion which they "profeſs; and ſeveral of the ſaid Brethren do conſcien-"tiouſly ſcruple the taking of an Oath, and likewiſe do "conſcientiouſly ſcruple bearing Arms, or perſonally "ſerving in any military capacity, although they are "willing and ready to contribute whatever Sums of "Money ſhall be thought a reaſonable Compenſation "for ſuch Service, and which ſhall be neceſſary for the "Defence and Support of his Majeſty's Perſon and Go-"vernment; and that whereas the ſaid Congregations "are an ancient Proteſtant epiſcopal Church, *&c.* It

was

" was enacted, That every Perſon being a Member of " the ſaid Proteſtant Epiſcopal Church, who ſhall be " required upon any lawful Occaſion to take an Oath " in any Caſe where by Law an Oath is or ſhall be re- " quired, ſhall, in inſtead of the uſual Form, be permit- " ted to make his or her ſolemn Affirmation or Decla- " ration in theſe Words following :

I A. B. do declare in the Preſence of Almighty God, the Witneſs of the Truth of what I ſay.

And further it was enacted, " That every Perſon " who is a Member of the ſaid Church ſhall be diſcharged " from all perſonal military Service in *America*, upon " Payment of the Rate uſually aſſeſſed upon others in " the ſaid Colonies to excuſe their perſonal Attendance " to bear Arms. And to prevent Frauds, or to deter " other People, not of this Church, from aſſuming the " Name, or perſonating the Member of the ſaid *Bohemian-* " *Moravian* epiſcopal Church, it was further enacted, " That all Perſons claiming the Benefit and Privilege " of the ſaid Act, ſhall produce a Certificate of the Biſhop " or Paſtor of the ſaid Church or Congregation, that " they are Members of the ſaid Church.

In the Year 1760, the above mentioned Count departed this Life: but the Brethrens Congegations have, notwithſtanding that Loſs, ſtill continued their Conſtitution and Courſe as before.

Beſides their Miſſion among the *Indians* in *North America*, they have uſed ſome Endeavours to convey to the poor Negroes in *Jamaica*, *Antigua* and *Barbadoes*, the Knowledge of Chriſt, without infringing their Obligation to their Maſters.

As to what has been written to the Diſadvantage of theſe People, it muſt be left to Perſons of Penetration and Impartiality to judge for themſelves, whether they have been rightly or wrong repreſented: They have certainly conducted themſelves as quiet and loyal People, who cauſe no Diſturbance to the State.

All the foregoing Denominations which differ, or have ſeparated from the Church of *England*, are tolerated by Law under the Sanction of being *Proteſtant* Churches. But there remains another Church within theſe Dominions, which lays an original Claim to the Church of *England*,

England, and affirms that the preſent Eſtabliſhment by Law is a Separation from the Church of *Rome*.

Papiſts. Theſe are called *Papiſts*, and their Religion *Popery*; the Devotees and Religion of the *Pope* of *Rome*, whom they acknowledge to be *Head* of the Church of CHRIST upon Earth, and their infallible Guide in Matters of Faith, and Judge in all Controverſies of a religious Nature. Which Subjection to the Pope being dangerous to the State and Conſtitution of *England*, tending to erect a Dominion ſuperior to the King, over his Subjects, and to diſturb the Tranquility and Government of the Nation, by Inſurrections and Rebellions, fomented and raiſed by *papal* Intrigues, Diſpenſations and Bulls, the Legiſlature from Time to Time, ever ſince the Eſtabliſhment of the Reformation in the Church of *England*, has thought proper to make ſevere penal Laws to prevent its iniquitous Practices againſt the State under the Maſk of a religious Profeſſion. So that *Popery* is the only Religion prohibited in *England*.

The firſt Act Queen *Elizabeth* paſſed was to take off the Juriſdiction of the See of *Rome*, which had been reeſtabliſhed by her Siſter *Mary*; and to take off all coercive Power whatſoever from eccleſiaſtical Perſons. Which Act was intituled *An Act to reſtore to the Crown the* ANCIENT JURISDICTION, &c. 1 Eliz. c. 1.

The next Act levied againſt the Papiſts was, the *Act of Uniformity, and Common Prayer, and Service in the Church, and Adminiſtration of the Sacrament*, which, amongſt other Particulars, inflicts *a Penalty of twelve Pence for not coming to Church every Sunday and Holy Day*, in order to expel the Fopperies and Superſtition of the Church of *Rome*.

By another Act intituled, An Act to retain the Queen's Majeſty's Subjects in their due Obedience, *&c.* it is made high Treaſon to *reconcile any*, or for any *to be reconciled to the See of* Rome; to withdraw, or to be withdrawn from the eſtabliſhed Religion, to the *Romiſh* Religion: and it was thereby further enacted, that every one ſaying Maſs, ſhall forfeit two hundred Marks, and every one that hears it, one hundred Marks; and that every one above ſixteen Years old, not repairing to ſome Church or Chapel, but forbearing the ſame, contrary to the ſaid Statute, 1 *Eliz.* c. 2. ſhall, being lawfully convicted

victed, shall forfeit twenty Shillings for every Month; which Penalty was by 29 *Eliz.* c. 6. increased to twenty Pounds per Month, for every Month after Conviction, till they came to Church. And in Default of Payment to seize all their Goods, and two Parts of their real Estate.

In the 27 *Eliz.* there passed an Act intituled, *An Act against Jesuits, seminary Priests, and other such like disobedient Persons*; in which it was enacted by c. 2, sect. 3. That it shall not be lawful to or for any *Jesuit, seminary Priest*, or other such *Priest, Deacon*, or *religious* or *ecclesiastical Person whatsoever*, being *born within this Realm*, or *any other her Highness's Dominions, made, ordained* or *professed*, or *hereafter to be made, ordained*, or *professed*, by any Authority or Jurisdiction derived, challenged or pretended from the *See of Rome*, by or of what Name, Title or Degree soever the same shall be called or known, to come into, be or remain *in any Part of this Realm*, or *any other her Highness's Dominions*, after the End of *forty Days* after the Expiration of that Session of Parliament, other than in such special Cases, and upon such special Occasions only, and for such Time only, as is expressed in this Act; and if he do, that then *every such Offence* shall be taken and adjudged to be HIGH TREASON: and every Person so offending, shall, for his Offence, be adjudged a TRAYTOR, and *shall suffer, lose and forfeit, as in Case of* HIGH TREASON.

That every Person which after the End of the same forty Days, and after such Time of Departure, as before limitted, shall wittingly and willingly *receive, relieve, comfort, aid*, or *maintain* any such *Jesuit, seminary Priest*, or *other Priest, Deacon* or *religious* or *ecclesiastical Person*, as is aforesaid, being at Liberty, or out of hold, *knowing* him to be a *Jesuit, seminary Priest*, or *other* such *Priest, Deacon*, or religious or *ecclesiastical Person*, as is aforesaid, shall also for such Offence, be adjugded a FELON *without Benefit of Clergy*, and *suffer Death, lose and forfeit*, as *in Case of one attainted of* FELONY.

That if any of her Majesty's Subjects (not be a *Jesuit, seminary Priest*, or *other* such *Priest, Deacon*, or *religious* or *ecclesiastical Person*, as is before-mentioned) brought up in any College of *Jesuits*, or *seminary*, or ordained, in the Parts beyond the Seas, or out of this Realm in any foreign Parts, shall not within *six Months* next after Proclamation

clamation in that behalf to be made in the City of *London*, under the Great Seal of *England*, return into this Realm, and thereupon within *two Days* next after ſuch Return, before the Biſhop of the Dioceſe, or two Juſtices of Peace of the County, where he ſhall arrive, *ſubmit himſelf to her Majeſty and her Laws, and take the Oath* ſet forth *by Act* in the *firſt* Year of her Reign; That then every ſuch Perſon which ſhall otherwiſe *return*, *come into*, or *be in this Realm*, or *any other her Highneſs's Dominions*, for ſuch Offence of *returning* or *being in this Realm*, or *any other her Highneſs's Dominions*, WITHOUT SUBMISSION, as aforeſaid, ſhall alſo be adjudged a TRAYTOR, and *ſuffer*, *loſe and forfeit*, *as in Caſe of* HIGH TREASON.

That if any Perſon under her Majeſty's Subjection or Obedience ſhall, *at any Time after the End of the ſaid* FORTY DAYS, by Way of *Exchange*, or by any *other Shift*, *Way or Means whatſoever*, *wittingly* and *willingly*, either *directly* or *indirectly*, *convey*, *deliver* or *ſend*, or cauſe or procure to be *conveyed* or *delivered*, *to be ſent over the Seas*, or *out of this Realm*, or *out of any other her Majeſty's Dominions* or *Territories*, into *any foreign Parts*. (2.) Or ſhall otherwiſe *wittingly* or *willingly yield*, *give* or *contribute any Money* or *other relief* to or for any *Jeſuit*, *ſeminary Prieſt*, or ſuch *other Prieſt*, *Deacon*, or *religious* or *eccleſiaſtical Perſon*, as is aforeſaid; (3.) Or to or for the Maintenance or Relief of any *College of Jeſuits*, or *ſeminary* already erected or ordained, or hereafter to be erected or ordained, in *any the Parts beyond the Seas*, or *out of this Realm* in *any foreign Parts*; (4.) Or of any Perſon then being of or in *any* the ſame *Colleges* or *Seminaries*, and not returned into this Realm with Submiſſion, as in this Act is expreſſed, and *continuing* in the ſame Realm; (5.) That then every ſuch Perſon ſo offending, for the ſame Offence ſhall incur the Danger and Penalty of a *Præmunire*, mentioned in the Statute of *Præmunire* made in the ſixteenth Year of the Reign of King *Richard* the *Second*.

An Act paſſed 1 *Jac.* c. 4. which confirmed all the former Statutes made againſt *Popiſh Recuſants* in Queen *Elizabeth*'s Reign, and ordained that they ſhould be put in due and exact Execution.

In 3 *Car.* I. there paſſed an Act to *reſtrain the preſſing or ſending of any to be* popiſhly *bred beyond the Seas*.

In

In 25 *Car.* II. an Act paſſed to *prevent Danger which may happen from Popiſh Recuſants*, whereby it is enacted, That no Perſon that will not take the Oaths of *Supremacy* and *Allegiance*, and ſubſcribe the Declaration againſt *Tranſubſtantiation*, ſhall be able to enjoy any Office civil or military under the Crown. And by 30 *Car.* II. c. 2. Papiſts were diſabled from ſitting in either Houſe of Parliament.

By 1 *William* and *Mary*, it is recited, That whereas the great Numbers of *Papiſts*, reſorting to the Cities of *London* and *Weſtminſter*, *are, and for a long Time have been found dangerous to the Peace and Safety of this Kingdom*; for the better Preſervation of the common Safety, and avoiding their miſchievous Practices and Deſigns, it is enacted, That *Papiſts*, and *reputed Papiſts*, *ſhall be removed from the Cities of* London *and* Weſtminſter, *and ten Miles diſtance from the ſame.*

By another Act in the ſame Year it was enacted, That *Papiſts, and reputed Papiſts*, ſhall be diſarmed. And in the ſame Year it was enacted, That the two Univerſities ſhould preſent to Benefices belonging to *Papiſts*. See all 11 *Geo.* II. c. 17.

In the 11 and 12 *Will.* III. c. 4. there paſſed an Act to *prevent the Growth of* Popery, reciting, That whereas there has been of late a *much greater* reſort into this Kingdom than formerly of *popiſh Biſhops*, *Prieſts*, and *Jeſuits*, and they do very openly, and in inſolent Manner, affront the Laws, and daily endeavour to pervert his Majeſty's natural-born Subjects, which has been occaſioned by neglect of the due Execution of the Laws already in Force: For preventing the further growth of Popery, and of ſuch *treaſonable* and *execrable Deſigns* and *Conſpiracies* againſt his Majeſty's Perſon and Government, and the eſtabliſhed Religion, as have lately, as well as frequently heretofore, been brought to Light, and happily defeated by the wonderful Providence of God; Be it enacted, that from and after the five and twentieth day of *March* one Thouſand and ſeven Hundred, *all and every Perſon and Perſons, who ſhall* APPREHEND *and* TAKE *one or more* POPISH BISHOP, PRIEST, *or* JESUIT, *and proſecute him or them ſo apprehended and taken, until he or they be convicted of* SAYING MASS, *or of* EXERCISING ANY OTHER PART OF THE

OFFICE *or* FUNCTION *of a popiſh Biſhop, or Prieſt within theſe Realms, ſhall have and receive from the Sheriff or Sheriffs of the County, where ſuch Conviction ſhall be made* (without paying any Fee for the ſame) *for* EVERY *ſuch Offender ſo convicted, the Sum of* ONE HUNDRED POUNDS, *within four Months after ſuch Conviction, and demand thereof made.*

And for a further Remedy againſt the Growth of Popery, over and beyond the good Laws already made, Be it further enacted by the Authority aforeſaid, That if any *popiſh Biſhop, Prieſt or Jeſuit whatſoever*, ſhall *ſay Maſs*, or *exerciſe any other Part of the Office or Function* of a *popiſh Biſhop* or *Prieſt within theſe Realms*, OR THE DOMINIONS THEREUNTO BELONGING, or if any *Papiſt*, or *Perſon making Profeſſion of the popiſh Religion*, ſhall *keep School*, or *take upon themſelves the Education* or *Government*, or *boarding* of *Youth* in any Place *within this Realm*, or *the Dominions thereunto belonging*, ſuch Perſon or Perſons being thereof *lawfully convicted*, that then every ſuch Perſon ſhall, on ſuch Conviction, be adjudged to *perpetual Impriſonment*, in ſuch Place or Places within this Kingdom, as the King by Advice of his Privy-council ſhall appoint.

That if *any Perſon educated in the popiſh Religion*, or *profeſſing the ſame*, ſhall not within *ſix Months* after he or ſhe ſhall attain the Age of *eighteen Years*, take the *Oaths* of *Allegiance* and *Supremacy*, and alſo *ſubſcribe the Declaration* ſet down and expreſſed in an Act of Parliament made in the 13 *Charles* II. intituled, *An Act for the more effectual preſerving the King's Perſon and Government, by diſabling Papiſts from ſitting in either Houſe of Parliament*, to be by him or her made, repeated and ſubſcribed in the Courts of *Chancery*, or *King's-Bench*, or Quarter-Seſſions of the County where ſuch Perſon ſhall reſide, every ſuch Perſon ſhall, in reſpect of him or herſelf only, and not to or in reſpect of any of his or her Heirs or Poſterity, be *diſabled* and *made incapable to inherit, or take by Deſcent, Deviſe, or Limitation in Poſſeſſion, Reverſion or Remainder*, any *Lands*, *Tenements* or *Hereditaments*, within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*. And that during the Life of ſuch Perſon, or *until he or ſhe do take the ſaid Oaths*, and *make*, *repeat* and *ſubſcribe* the ſaid *Declaration*

ration in Manner as aforeſaid, the next of his or her Kindred, which ſhall be a *Proteſtant*, ſhall *have and enjoy the ſaid Lands, Tenements*, and *Hereditaments*, without being accountable for the Profits by him or her received during ſuch Enjoyment thereof. *Every Papiſt* or *Perſon, making Profeſſion of the Popiſh Religion*, ſhall be *diſabled*, and is hereby made *incapable* to *purchaſe*, either *in his* or *her own Name*, or *in the Name of any other Perſon* or *Perſons*, to *his or her Uſe*, or *in Truſt for him or her*, any *Manors, Lands, Profits out of Lands, Tenements, Rents, Terms* or *Hereditaments*, within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick* upon *Tweed*; and that *all and ſingular Eſtates, Terms, and any other Intereſts, or Profits whatſoever out of Lands, to be made, ſuffered or done, to or for the Uſe or Behoof of any ſuch Perſon or Perſons, or upon any Truſt or Confidence, mediately or immediately, to or for the Benefit or Relief of any ſuch Perſon or Perſons*, SHALL BE UTTERLY VOID, *and* OF NONE EFFECT, *to* ALL INTENTS, CONSTRUCTIONS *and* PURPOSES WHATSOEVER,

Provided always, That nothing in this Act contained ſhall be conſtrued to extend to any popiſh Prieſt for ſaying Maſs, or officiating as a Prieſt within the dwelling Houſe of any foreign Miniſter reſiding here, *ſo as ſuch Prieſt be not one of his Majeſty's natural-born Subjects, nor naturalized within any of his Kingdoms, or Dominions*, and *ſo as the Name of ſuch Prieſt, and the Place of his Birth, and the foreign Miniſter to whom he ſhall belong, be entered and regiſtred in the Office of the principal Secratary of State.*

And to the End that the Proteſtant Children of popiſh Parents may not in the Life-times of ſuch their Parents, for want of fitting Maintenance, be neceſſitated, in Compliance with their Parents, to embrace the *popiſh Religion*, contrary to their own Inclinations, it was enacted, That *if any ſuch Parent, in order to the compelling ſuch, his, or her Proteſtant Child to change his or her Religion, ſhall refuſe to allow ſuch Child a fitting Maintenance, ſuitable to the Degree and Ability of ſuch Parent, and to the Age and Education of ſuch Child, then upon complaint thereof made to the* Lord High Chancellor *of England, or* Lord Keeper of the Great Seal, *or* Commiſſioners for the Great Seal *for the Time being, it ſhall*

be lawful for the ſaid Lord Chancellor, Lord Keeper, *or* Commiſſioners, *to make ſuch Order therein as ſhall be agreeable to the Intent of this Act.*

By an Act 1 *Geo.* I. Stat. 2. c. 55. it is recited, That whereas the Papiſts within this Kingdom, notwithſtanding the tender Regard that has been ſhewn them for many Years laſt paſt, by omitting to put in Execution the many penal Laws which (on Occaſion of the *many juſt Provocations they have given, and horrid Deſigns they have framed, for the Deſtruction of this Kingdom, and the Extirpation of the Proteſtant Religion)* have been made againſt them; and notwithſtanding they have enjoyed, and do ſtill enjoy the Protection and Benefit of the Government, as well as the Reſt of his Majeſty's Subjects, have not only *all*, or *the greateſt Part of them*, been concerned *in ſtirring up* and *ſupporting the late unnatural Rebellion*, for *the dethroning and murdering his moſt ſacred Majeſty*; for *deſtroying our preſent happy Eſtabliſhment*; for *ſettling a Popiſh Pretender upon the Throne of this Kingdom*, for *the Deſtruction of the Proteſtant Religion*, and *the cruel murdering and maſſacring its Profeſſors*; by which they have brought a vaſt Expence upon this Nation: And whereas it *manifeſtly appears* by their Behaviour, that *they take themſelves to be obliged, by the Principles they profeſs*, to *be Enemies to his Majeſty*, and *to the preſent happy Eſtabliſhment*, and *watch for all Opportunities of fomenting* and *ſtirring up new Rebellions* and *Diſturbances within the Kingdom*, and *of inviting foreigners to invade it*; and for as much as it is highly reaſonable that they ſhould contribute a large ſhare to all ſuch extraordinary Expences as are, or ſhall be brought upon this Kingdom by their Treachery and Inſtigation; And to the end that, by paying largely to the late great Expences by them brought upon this Nation, they may be deterred, if poſſible, from the like Offences for the future; and that this Nation may have the Benefit of his Majeſty's gracious Condeſcenſion, in giving his Intereſt in the two third Parts of all the Papiſts Eſtates, which are already forfeited to him by Law, for the Uſe of the Publick, either *by ſeizing the ſaid two third Parts of their Eſtates for the publick Service*, or *by laying ſome Tax or Charge upon their Eſtates in lieu thereof*; in ſuch Proportion, and in ſuch Manner as ſhall be determined to be reaſonable in Parliament;

and

and to the End that their Eſtates may be certainly known and diſcovered, for the Purpoſes aforeſaid, or for ſuch other Ends as a Parliament ſhall think fit, Be it enacted, That they ſhall regiſter their Names, and real Eſtates. * See alſo 3 *Geo.* I. c. 18. 10. *Geo.* I. c. 4.

* The Eſtates regiſtered and valued purſuant to this Act, and diſtinguiſhed by the Counties in which they laid, are as follow : Popiſh Eſtates regiſtred and valued.

	l.	*s.*	*d.*
Bedford —	998	5	3 ½
Berwick upon *Tweed* -	17	5	0
Berks —	8106	19	11 ¼
Brecon —	253	2	0
Bucks —	5799	16	11
Cambridge —	501	13	10 ½
Cardigan —	743	11	6
Carmarthen —	403	17	8
Carnarvan —	167	4	0
Cheſter —	5819	10	7 ½
Cornwal —	1454	2	1 ¼
Coventry —	464	11	4
Cumberland -	2639	0	5 ½
Denbigh —	776	9	4
Derby —	6777	15	5 ¼
Devon —	2363	5	5 ¼
Dorſet —	4059	14	8 ½
Durham —	12330	16	7 ½
Eſſex —	9292	5	0 ½
Exon —	121	1	6
Flint —	1196	15	10
Glamorgan —	187	2	2
Glouceſter —	7673	9	0 ½
Hereford —	4917	3	8 ¼
Hertford —	1318	11	11
Huntingdon -	618	9	0
Kent —	6606	16	5
Kingſton upon *Hull* -	61	10	0
Lancaſter —	13123	2	5
Leiceſter —	6961	13	10 ¼
Lindſey, in Com' *Lincoln*	11200	16	11
Keſteven, in Ditto	4892	13	0 ½
Holland Diviſion, in ditto	1285	10	0
Lincoln City —	385	14	8
Litchfield —	2	5	0
London —	2185	1	0
Middleſex —	17836	14	10
Monmouth - -	3618	9	0
Montgomery	3012	12	7
Newcaſtle-upon-Tyne	4	1	2
Nottingham —	9891	7	3
Town of Ditto	4	10	0
Norfolk - -	11563	16	11 ¼
Northampton -	10606	11	4 ½
Northumberland -	17586	17	0
Norwich - -	211	8	0
Oxon - -	11386	9	2 ¾
Radnor - -	540	16	10
Rutland - -	40	18	0
Salop - - -	9496	9	5 ½
Somerſet - -	3302	18	1 ½
Southampton -	7771	0	9 ¼
Liberty of *Southwell*	662	10	5
Stafford -	17491	6	9
Suffolk - -	10124	4	9 ¾
Suſſex - -	17285	7	0 ¾
Surry - -	3392	10	7 ½
Warwick -	13088	15	1 ¾
Weſtmoreland -	1317	2	7 ½
Wilts - -	4990	7	2
Worceſter -	9185	18	2 ½
Worceſter City -	136	14	6
East Riding of *York*	7340	9	11
West Riding of *York*	19367	2	4 ½
North Riding of *York* - -	21230	1	4 ¾
	358194	5	3 ¾

3 *Geo.* II. c. 29. ſ. 6 and 7. *Geo.* II. c. 31. ſ. 9. And by the Land-Tax Act, 4 *Geo.* III. c. 2. ſ. 56, the *Papiſts* are obliged to pay double the Sums and Rates charged, *&c.* by the ſaid Act.

To theſe principal Laws againſt *Papiſts*, we may add thoſe that follow:

Other Laws againſt Popery.

To go and ſerve a foreign Prince, having not before taken the Oath of Allegiance, and entered bond *not to be reconciled* to the Roman Religion, *Felony*, 3 *Jac.* 4.

The firſt Refuſal of the Oath of Supremacy, is puniſhed as in Caſe of a *Præmunire*, which imports a Forfeiture of all Lands and Goods, Impriſonment for Life, and a Deprivation of the Benefit of the Law, 5 *Eliz.* 1.

To ſet forth or defend Power ſpiritual in the See of *Rome*, *Præmunire*, 5 *Eliz.* 1.

To aid any Perſon who hath put in Uſe any Bull from the See of *Rome*, *Præmunire*, 13 *Eliz.* 2. 23 *Eliz.* 1.

Refuſal of the *Oath of Allegiance* upon the ſecond tender, a *Præmunire*, 3 *Jac.* 4. & 7 *Jac.* 6.

Upon Indictment of Recuſancy by Proclamation, *Impriſonment*, 29 *Eliz.* 6.

Women-covert convicted for Recuſancy, impriſoned till Huſband pays *ten Pounds* a Month, or a third Part of his Lands, 7 *Jac.* 6.

Standing excommunicated for Recuſancy, a Houſe may be broken up for Apprehenſion, 7 *Jac.* 6.

Thoſe who ſhall forbear to come to Church by the Space of *twelve Months*, bound to good Behaviour, with Surety in the *King's Bench*, 23 *Eliz.* 1.

Every Recuſant is confined to five Miles compaſs for Life, 23 *Eliz.* 2. to ten Miles diſtant from *London*, 3 *Jac.* 5.

Not to come into *the Houſe* where the King or his Heir apparent is, 3 *Jac.* 5.

All Copyhold Lands of Recuſants forfeited, 25 *Eliz.* 2.

The Forfeitures of the Anceſtor charged upon his Heir being a Recuſant, 1 *Jac.* 4.

A Recuſant forfeits for not receiving the Sacrament according to the Service-Book, the firſt Year *twenty Pounds*, the

the ſecond Year *forty Pounds*, the third Year, and every Year, after *ſixty Pounds*, 3 *Jac.* 4.

To the Prefenter out of the Recuſant's Goods *forty Shillings* forfeited, 3 *Jac.* 4.

For every Recuſant, Sojourner and Servant *ten Pounds* for every Month forfeited, 3 *Jac.* 4.

Two Parts of Dower or Jointure of a married Woman forfeited, 3 *Jac.* 5.

Coming to *Court*, an *hundred Pounds* forfeited, 3 *Jac.* 5.

For not baptizing of Children according to the Service-Book publickly within a Month after their Birth, an *hundred Pounds* forfeited, 3 *Jac.* 5.

For marrying otherwiſe than by a Miniſter, a *hundred Pounds* forfeited, 3 *Jac.* 5.

For burying out of the Church or Church-yard an *hundred Pounds* forfeited, 3 *Jac.* 5.

For ſending Children beyond Seas without Licence, an *hundred Pounds* forfeited, 1 *Jac.* 4.

For maintaining a School-maſter not going to Church, or allowed to teach, for every Month *ten Pounds* forfeited, 23 *Eliz.* 1. & 29 *Eliz.* 6.

And forty Shillings *per Diem* forfeited by the School-maſter and Recuſant that keeps him, 1 *Jac.* 4.

All Goods and Lands during Life, for Breach of Confinement forfeited, 23 *Eliz.* 2 & 3 *Jac.* 5.

The like Forfeiture for going or ſending Children beyond the Seas to be bred in Popery, 3 *Car.* 2.

For reſiding within ten Miles of *London*, an *hundred Pounds* forfeited, 3 *Jac.* 5.

For practiſing any Function expreſſed in the Statute of 3 *Jac.* 5. an *hundred Pounds* forfeited, 3 *Jac.* 5.

Diſabled to reverſe Indictment for Want of Form or other Defect, 3 *Jac.* 4.

Diſabled from the Practice of ſeveral Functions, whereby to gain their Livings, *viz.* from practiſing, Common Law, Civil Law, or being a Steward, Attorney, Sollicitor, or Officer in any Court; from practiſing *Phyſick*, or being an Apothecary, and from bearing any Office in Camp, Troop or Band of Soldiers, or in any Ship, Caſtle, or Fortreſs, *&c.* 3 *Jac* 5.

By the Wife's Recuſancy, the Huſband diſabled from Publick Office or Charge in the Commonwealth, 3 *Jac.* 5.

By marrying otherwiſe than the Church of *England* alloweth, the Huſband diſabled to be *Tenant by Courteſy*, the Wife diſabled to have *Dower*, *Jointure*, *Freebank*, or any Part or *Portion* of her Huſband's Goods, 3 *Jac.* 5.

Diſabled to ſue or proſecute Actions, to preſent to a Benefice, to be Executor, Adminiſtrator, or Guardian, 3 *Jac.* 5.

Children ſent beyond the Seas without Licence, are diſabled to take Benefit of Gift, Conveyance, Deſcent, or Deviſe, 1 *Jac.* 4. & 3 *Jac.* 5.

Notwithſtanding theſe Forfeitures, Recuſants are no leſs Subject to eccleſiaſtical Sentences, 23 *Eliz* 1. & 3 *Jac.* 45.

Nevertheleſs the Land in many Places ſwarm with *Papiſts*, eſpecially in thoſe Parts, where the Eſtates lie that belong to *Popiſh* Families of large Fortunes, and in *London*, where the Spirit of *Popery* is kept up by the Ambaſſadors of *Popiſh* Princes, and the extraordinary Conflux of foreign *Papiſts* from all Parts of the World, both as Merchants, Travellers and Emiſſaries, to propagate the *Romiſh* Faith.

Their Church Government.

Their Syſtem of Church Government conſiſts in the Pope of *Rome*, * as ſupreme in Dignity and Power, in *Biſhops*, *Prieſts*, *Deacons*, *Sub-deacons*, which they call the *greater Orders*, and in *Exorciſts*, *Acolytes*, *Readers*, and *Door-Keepers*, which are their *leſſer Orders*.

The Sub-deacon.

The Sub-deacon, which is continued in the Church of *Rome*, as a ſacred Order, is a mere eccleſiaſtical Conſtitution in Subordination to Deacons, introduced about the Middle of the third Century; and their Office was then only to fit and prepare the ſacred Veſſels and Utenſils

* I do not mention the Pope's Cardinals; nor the Dignity of Patriarchs, a Dignity kept up by the Church of *Rome*, to carry with it ſome Sort of Superiority of Power, but not of Order over Biſhops: becauſe, theſe are mere Dignitaries, but not ordained, or accounted a neceſſary Point in the Government of the Church.

of

of the Altar, and to deliver them to the Deacons in Time of divine Service, but were not allowed ſo much as to come within the Rails of the Altar, or to ſet a Cup or Patin, or the Peoples Oblations thereon. They were to attend the Church Door during the Communion-Service. To which Office they were ſet apart, not by Impoſition of Hands, but by receiving an empty Patin and Cup, from the Hands of the Biſhop, and an Ewer and Towel from the Archdeacon.

This Office has been improved into a ſacred Order by the *Papiſts*, and the *Sub-deacons* are now ordained by the Biſhop with Power to *read the Epiſtles in the holy Church of God*, &c. In Conſequence of which, this Sub-deacon prepares and pours Water upon the Wine in the Prieſt's Chalice, ſings the Epiſtle at ſolemn Maſſes, brings and holds the Book of the Goſpels to the Deacon, gives it the Prieſt to kiſs after the Goſpel is read, carries the Croſs in Proceſſions, and receives the Peoples Oblations: and his Veſtments or Dreſs in the Exerciſe of his Function are an Alb, the Amict over his Shoulders, the Chord about his Loins, the Maniple on his left Arm, and a Dalmatica, which is made of Silk and Covers all.

Religious Orders.

Beſides theſe, the Church of *Rome* have a Variety of different *Orders*, diſtinguiſhed by the Name of *Religious Orders*, applied to thoſe Congregations or Societies, who live under the ſame Vows, wear the ſame Habit, and obſerve the ſame Rule or Way of Life; who are generally diſtinguiſhed into *Monks*, *Friars*, *Canon Regulars*, and *Jeſuits*; who are again divided under ſeveral Denominations taken from their Founders; as *Benedictin* and *Ciſtertian* Monks, *Carmelite*, *Jeronomite*, *Auguſtin* and *Franciſcan* Friars, *&c.* each of which religious Orders ſend Miſſionaries into *England*, and have a Superior in their reſpective Houſes, a Provincial over all their Houſes in every Kingdom and State, and a General over the whole Order, who reſides conſtantly at the Pope's Elbow in *Rome*, prepared by his Intelligence to inform his Holineſs of all the material Tranſactions of *Chriſtendom*, within the Sphere of his Correſpondence.

Engliſh Miſſion.

The *Engliſh* Miſſion is a Compound of all. It conſiſts of four Biſhops, who divide *England* into four Circuits, over each of which, one of them preſides, and

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exercises the Function of a Bishop, except in the particular Act of Ordination, which is seldom or ever attempted in *England*, for political Reasons. Under these are many stationed Priests in every Circuit, charged with the parochial Cure of Souls within certain Boundaries, for which they receive a sufficient Maintenance, either from the Estates on which they live; or from a Fund established in *London*, under Dean and Chapter, to make up the Deficiences, and to print Books of Devotion and Controversy, to be distributed *gratis* by the missionary Priests. Besides these, there are a great Number of private Chaplains in the Quality of Confessors to Families of Figure and Fortune. So that take them together, their Number cannot fail of being very great, especially since the Banishment of the Jesuits from *Portugal*, *France* and *Spain*.

These Missionaries are all in Priests Orders, and are supplied from *Doway*, *Lisbon*, *Rome*, *Lambspring*, St. *Omer*'s, and many other foreign Seminaries, founded and supported chiefly by the zealous *Papists* of this Kingdom, whose Estates have been encumbered by their Fore-fathers for that Purpose.

Though Popery is prohibited in *England* under the severest Penalties, and many of their Priests have been put to Death for stirring up the People to Treason and Rebellion, to which they were incited by their Education and Principles of King-killing, they are suffered to profess their Faith, and, in most Places, to resort publickly to their Places of Worship, without Molestation or Fear, so long as the Government finds them peaceable and quiet. However their Opposition to the Revolution drew upon their whole Body such a Resentment of the Legislature, that they were stigmatized by a double Rate, which they pay to the Land Tax;* and disabled from keeping any Arms, Gun-powder, and Ammunition in their Power. †

Number of each Denomination.

In a general Computation it is estimated that the Members of the Church of *England*, as by Law established, makes two thirds of the People; and the other third is

* See 4 *Geo.* III. c. 2. § 56.

† 1 *Will.* and *Mary*.

made

made up of *Proteſtant Diſſenters* of all Denominations, and of *Papiſts*.

Trade and Commerce have invited over into this Realm at all Times ſome *Jews*, but as our Trade and Navigation have increaſed, their Numbers have increaſed alſo. They make a conſiderable Figure in the merchantile World; and their inferior Ranks enter much into Hawking and Pedling through the Countries with ſmall Wares. *London* is their chief Place of Reſidence; and they generally keep together in one Quarter, about *Duke's Place*. There is a ſpacious and handſome Synagogue in *Berry-Street* for the Worſhip of the *Spaniſh*, *Portugueze*, *Italian*, &c. *Jews*, who are a Sort of *Phariſees* in their Tenets: and another in *Shoe-maker-row*, lately enlarged almoſt one half for the *German*, *Dutch*, and other northern *Jews*, who are very ſhy of the former Kind, and call themſelves *Carits* or *Sadduces*. The *Portugueze* have another *Synagogue* near adjoining to the South Side of St. *Catherine Coleman* Pariſh Church in *Fenchurch-Street*; and two pompous burial Grounds at *Mile End:* where the *Dutch* alſo have their burial Place, with proper Houſes and Families to watch and to take Care of thoſe Dormitories reſpectively. There is another Synagogue lately erected at *Bricklayers Hall*, almoſt facing the Church of St. *Catharine Cree* in *Leadenhall-Street*, *London*. Jews.

To complete the State of Religion in *England*, we ought further to take a Survey of the *Religious Societies*, which have been formed; and the *pious Foundations* erected of late Years, for the Education and Maintenance of Children and the Ignorant and Neceſſitous, for the Reformation of Vice, and for relieving the Diſtreſſes and curing the Diſeaſes and Infirmities of the People.

The Iniquities and Vices of the Times have for many Years put the Serious and Virtuous upon Thoughts how to prevent their fatal Effects, and, if poſſible to prevent their Contagion ſpreading down to Poſterity. For this Purpoſe of Religion, the Wiſe, the Virtuous, and the Learned ſaw it neceſſary, by Way of Auxiliary, to the parochial Inſtructions at Church, to ſubſtitute another Method of *promoting Chriſtian Knowledge*, and ſo as to make the young Offspring, that was growing up, pleaſed with it. And this Method was to engage ſuch as Religious Societies.

were

were well disposed, to form themselves into *Societies*, called *religious*, from the particular End and Design of them, to improve themselves and others in the Knowledge of our most holy Religion, and to animate one another in the serious Practice of it. For, their Intent is to quicken the Affections towards spiritual Things, and to prepare us for another World, by assisting each other to live in all Respects, as becometh the Gospel.

These Societies meet together once a Week, to discourse about Matters of Piety and Devotion, so as to edify one another, and to provoke one another to lead a virtuous and *Christian* Life: And for the better Regulation of their Meetings, they have certain *Rules* and *Orders* in Substance as follows,

Rules. 1. That every Member apply himself in good earnest to all Means proper to make himself wise unto Salvation.

2. That every one shall endeavour to bring in one other, at least, into their Society.

3. That every Member shall be of the Church of *England*, and frequent the holy Exercises of the same.

4. That in all Matters of Doubt and Difficulty, they shall respectively apply themselves to their Minister.

5. That there shall be no Disputes of Matters of Controversy, Affairs of State, the Concerns of other Men, Matters of Trade, *&c.* and that no other temporal Things shall be talked of at their Meetings.

6. That they shall, as little as possible, frequent publick Houses, and never sit gaming in the same.

7. That they shall pray often, receive frequently, encourage the catechizing of young and ignorant People, and observe all Manner of religious Duties.

8. That they shall constantly endeavour, 1. To be true and just in all their Dealings, 2. To exercise themselves in all Meekness and Humility of Behaviour. 3. To be watchful against censuring and judging others. 4. To accustom themselves to holy Thoughts in all Places. 5. To examine themselves every Night. 6. To exercise Tenderness and Compassion to all Men. 7. To make holy Reflections on themselves whenever they read the Word of God. 8. To avoid the Conversation of prophane and scandalous Persons. 9. To pray for the whole

whole Society in their private Prayers. 10. To read much in private for their Edification, and especially the Holy Scriptures, and therein the 5th, 6th, and 7th Chapters of St. *Matthew*, the 12th of the *Romans*, the 5th and 6th of the *Ephesians*, and 1 *Thes.* 5.

Origin of Charity Schools.

To these Societies we are indebted for the first Solicitation to erect *Charity Schools* for the cloathing, educating, and putting poor Boys and Girls to Trades or Services, by private Contributions: from which Institution there has risen much Good to the Nation in general, and Relief to many thousand poor Families yearly.

They have set up publick Prayers and Lectures in many Churches, in *London*, and given Life in many Places to the Celebration of the *Lord's Supper*.

They also formed themselves into Bodies, to give Information against publick Enormities; and have been instrumental to prevent Sabbath-breaking, and to suppress Houses of ill-fame, &c.

Society for Reformation of Manners.

These Societies began about the Year 1681. From whom sprung another *Society for the Reformation of Manners*, about the Year 1724. A particular Part of the most considerable Members of this Society bear the Expence of Prosecutions, &c. without any Contributions from the rest; and they chiefly apply themselves to the prosecuting People for Swearing, Drunkenness and prophaning the Sabbath: Another Part of about fifty Persons apply themselves to the suppressing Lewdness, and by them above six hundred lewd Houses have been actually suppressed. A third Body consists of Constables: and there is a fourth Corps that is made up of Informers. Besides these, there are eight other regular mixed Bodies of House-keepers and Officers, who inspect the Behaviour of the Constables and other Officers, and assist in searching Disorderly Houses, seizing Offenders, giving Information, &c. The Utility of this Society to the Public was soon discovered; and occasioned other Societies of the like Kind to be set on Foot at *Bristol*, *Nottingham*, *Canterbury*, &c.

For propagating Christian Knowledge.

Before this, there arose from the Religious Societies in 1699, that valuable Society *for propagating Christian Knowledge*. It was set on Foot by some Persons of Worth, &c. upon this large Plan, To propagate Religion

gion in the *Britiſh* Plantations, to ſecure the pious Education of the Poor at home, and to reclaim ſuch as err in the Fundamentals of *Chriſtianity*. They ſet out with tranſmitting Catechiſms, Prayer-books, Bibles, and whole Libraries to, and ſupported ſeveral Miniſters and School-maſters in our Plantations. But were ſuperceded in that Work by the chartered Society for *propagating the Goſpel* in foreign Parts: Whereupon they wholly turned their Scheme to the other Branches, and are now a very conſiderable Body of Laity and Clergy; who meet weekly for educating poor Children, and ſetting up Schools for that Purpoſe, and for a regular Diſtribution of Books for the Inſtruction of the Ignorant, Erroneous, *&c.*

For propagating the Goſpel in foreign Parts.

In 1701, King *William*, by his Letters Patent, inſtituted a Corporation by the Name of *the Society for propagating the Goſpel in foreign Parts*, for ſecuring a Maintenance for an orthodox Clergy, and making other Proviſions, for the Propagation of the Goſpel in the Plantations, Colonies, Frontiers, *&c.* The two Archbiſhops, ſeveral Biſhops, and of other Nobility, Gentry and Clergy, to the Number of ninety Perſons, were incorporated, with Privilege to purchaſe two thouſand Pounds *per Ann.* Inheritance and Eſtate for Lives, or Years, with other Goods to any Value.

Pious Foundations.

The pious Foundations are almoſt without Number. Every conſiderable City and Town is adorned with ſome of them, raiſed and ſupported by Proteſtant Benefactions: And they conſiſt of ſo many different Sorts, that there is ſcarce an Object of Compaſſion that cannot apply to ſome one of them for Help and Relief. Such are the many great Hoſpitals for the Sick and Lame: For Lunaticks curable and incurable; for the Small Pox; for lying-in Women; for deſerted young Children; for the Prevention and reclaiming of Proſtitutes; for the Maintenance and Support of the aged and decayed of both Sexes, and for the Chriſtian Education of Boys and Girls: As might be exemplified by the County-Hoſpitals, the greater Hoſpitals in and about *London*; the *Magdalen*, the *Aſylum*, the *Foundling*, and that rich Foundation of Alms-houſes, and a School at *Mile-End*, by *Francis Bencroft*, a private Gentleman, left in truſt to the *Drapers Company:* which, if properly conducted, might,

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in a few Years, be improved to vie even with the royal Foundation of *Chriſt's Hoſpital*, in *Newgate-Street*, *London*.

The ſeveral RANKS *and* CONDITIONS *of the* LAITY.

THERE are Orders and Degrees amongſt the *Laity*, as well as the *Clergy*: for as in all well-grounded Commonwealths, diſtinction of Perſons is abſolutely neceſſary; it has been the public Prudence of this Nation, for the Support and Government thereof, to divide the Perſons into *King* or Sovereign Monarch, *Nobility*, and *Commonalty*: or *King*, *Lords* and *Commons*.

Nobility. The Law of *England* calleth none noble under the Degree of a *Baron*. Neither do we include the Perſon and Majeſty of the *King* in the Word *Nobles*. The Nobility, therefore, are the *Dukes*, *Marquiſſes*, *Earls*, *Viſcounts*, and *Barons*. Theſe are the ſuperior Nobility, who derive all their Honour from the King, and are known by the general Name of *Peers of the Realm*, *Barons of Parliament*, *Barons of the Realm*, and *Barons of Honour*, to diſtinguiſh them from thoſe, who, according to the old Form of Barons, are commonly called *Barons*, as Barons of *Burford*, of *Hilton*, of *Walton*, of the *Exchequer*, and thoſe that were Barons in Fee and by Tenure.*

Therefore, it is in Right of their *Baronies* that all the other Nobility do ſit together, in the King's Great Council in Parliament; and by the general Name of *Barons of* this Realm, we are to underſtand the whole Body of the Nobility,

Who was the firſt Duke, Marquis, and Viſcount. At the making of *Magna Charta*, in *Hen.* III. it is remarkable, that there was neither Duke, Marquis nor Viſcount in *England*. *Edward* the Black Prince, eldeſt Son of *Edward* III. was the firſt Duke after the Conqueſt

* In the Reign of *Hen.* III. the Title of Baron, which had been before promiſcuouſly given to, and uſed by Men of Eſtate and Fortune, was firſt confined to ſuch only as by the King were called to have Voice in Parliament. Which was conſtantly obſerved and continued by his Succeſſors. See *Baker* in *Edw* I. *Camden*'s *Britannia*, p. 169. and *Co.* lib. 12. fol. 70. Lord *Abergavenny*'s Caſe.

and

and *Robert Vere* Earl of *Oxford* in the Reign of *Richard* II. was the firſt Marquis: And Lord *Beaumont* was created the firſt Viſcount by *Henry*. VI.

Honours not alienable.

The Honours of Peers are not alienable; no Peer can transfer his Title to another Perſon; neither can any Peer of this Realm drown or extinguiſh his Honour (but that it deſcend to his Deſcendants) either by Surrender, Grant, Fine, or any other Conveyance to the King. On the other Hand, in the Year 1641, a Meſſage was ſent to the Houſe of Commons to deſire a preſent Conference by a Committee of both Houſes, touching HONOUR, and the Subject was, "That both Houſes may petition his "Majeſty, That Titles of Honour *may not be bought and "ſold for Money*, but that it may be confirmed by his "Majeſty, *as anciently it was*, for *Virtue* and *Merit*."

Who is intitled to Honours.

As to the Inheritance of Baronies: Although the Laws of this Realm do make all the Daughters, where there are no Sons, equally to inherit Lands and Tenements, and to be one Heir to their Anceſtors: yet it is not ſo in the Deſcent of Dignities and Titles of Honour: for Inheritances concerning Matters of Honour, being Things, in their Nature, participating of Superiority and Eminency, are not partable among many, and therefore, muſt of Neceſſity, deſcend to one, or become extinct, for Want of a Male Heir.

The greater Dignity never drowns the leſſer Honour or Dignity: but both ſtand together in one, and the ſame Perſon, who may be a Baron, a Viſcount, an Earl, a Marquis, and a Duke, at one Time. But the Law of *England* prohibits any Subject of this Realm to receive Titles of Honour or Dignity from a foreign Prince, King or Emperor, without Permiſſion of his own Sovereign.

Why they bear Coronets.

The Inſtitution of Dukes, Earls, and all other Degrees of Nobility and Honour places them in Offices of great Truſt and Confidence, *viz.* to counſel or adviſe the King in Time of Peace, and to defend their King and Country in Time of War. For theſe Reaſons Antiquity has adorned their Heads with a Coronet or Cap of Honour, and their Bodies with a Robe in Reſemblance of Counſel: and girt them with a Sword to put them always in mind to be faithful and true in the Defence of their King and Country.

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The Name or Dignity of *Duke* is derived from *Dux*, a chief Captain or Governor of any Army or Country, in its original Acceptation, amongſt the politeſt Nations, and our *Saxon* Anceſtors. But ſince its Adoption by *Edward* III. into the Titles of *Engliſh* Nobility, *Duke* is no more than a Title of Dignity, without conferring any Power or Command, or giving any Domain, Territory, or Juriſdiction over the Town, Country or Place from whence the Title is taken. Thus one may be *Duke of Cumberland*, without having any Property, peculiar Power, or Intereſt in the County of *Cumberland*. A Duke is created by Royal Patent, cincture of Sword, Mantle of State, Impoſition of a Cap or Coronet of Gold on his Head, and a Verge of Gold put into his Hand by the Sovereign, who, after this Part of the Ceremony of Creation, pronounceth him *Duke*, whoſe Title is *Grace*; and, being writ unto he is ſtiled *Moſt High*, *Potent*, *and Noble Prince:* And if the Duke be a Prince of the Blood Royal, his Stile is *Moſt High*, *Moſt Mighty*, *and Illuſtrious Prince*. Duke.

All Dukes eldeſt Sons are, by the Courteſy of *England*, ſtiled *Marquiſes* from their Birth; and the younger Sons, *Lords*, with the Addition of their Chriſtian Names, as *Lord Thomas*, *Lord George*, &c. and take Place of Viſcounts, but not by the Laws of the Land. His Sons Title.

Edward III. to the beſt of my Memory, was the firſt King who conferred the Title of Duke, which he did of *Lancaſter*, *York*, and *Glouceſter*, upon his younger Sons, but not without the Conſent of his Barons; he would not even venture to confer the Title of Earl of *Bedford* on his Son-in-law, without firſt ſummoning them, and acquainting them by the Chancellor, of his Deſign.

The Title of Duke was conferred very ſparingly for many Ages after, and rarely on any that were not ſome way allied to the Crown, as were *Mowbray* and *Howard*, Dukes of *Norfolk*, who were deſcended from *John de Brotherton*, in whoſe Right they now bear the Royal Arms of *England*. *De la Pole*, Duke of *Suffolk*, was alſo allied to the Crown, and *Stafford* Duke of *Buckingham*, was deſcended from *Humfrey* Duke of *Glouceſter*, on which Account the Earl of *Stafford* bears the Royal Arms of *England* and *France*, in a ſilver Border, (which Arms is alſo borne by the Earls of *Huntingdon* and *Ferrers*, Lord

Viſcount *Barrington*, and Sir *Bouchier Wrey*, as being deſcended from legitimate Sons of the Kings of *England.*) *Charles Brandon*, Duke of *Suffolk*, married the Queen-Dowager of *France*, Siſter to *Henry* VIII. and *Grey*, Duke of *Suffolk*, his only Daughter; and *Seymour*, Duke of *Somerſet*, was Uncle to *Edward* VI. and I queſtion whether *Villiers*, Duke of *Buckingham*, was not the firſt Duke not allied to the Crown, except *Dudley*, Duke of *Northumberland*, whoſe Son, the Lord *Guildford*, had married *Jane Grey*, to whom *Edward* VI. bequeathed the Crown.

The Number of Peers, inſtead of increaſing, decreaſed till *Henry* VIIth's Time, when there were but forty of them, and he was too intent upon deſtroying their Power, to increaſe their Number. *Henry* VIII. was far from being laviſh of his Honours, and did not confer a Peerage on the great Sir *Thomas Moor* his Chancellor. King *Edward* VI. and Queen *Mary* did not reign long enough to make any great Addition to the Peerage, and Queen *Elizabeth* had too much of the Wiſdom of her Grand-father, to ſet up a Power he had pulled down: She did not enoble Sir *Nicholas Bacon* (Father of the Lord-Chancellor) who was her Lord-Keeper, and rather choſe to confer the Honour of the Garter on Sir *Philip Sidney*, (who refuſed the Crown of *Poland* at her Requeſt) than make him a Peer: ſhe conferred no higher Title than that of Baron *Hunſdon*, on *Ferdinando Cary*, her firſt Couſin; and his Brother *Henry*, who was a great Favourite with her, and carried the News of her Death to King *James*, I believe had his Title of Earl of *Monmouth* from him.

King *James*, whether from Vanity, or with a View of attaching the great Commoners to him, was ſo laviſh, of his Titles of Honour, that a Lampoon, under the Title of "An help to ſhort Memories," containing a Liſt of the Names and Titles of the new Peers, was ſtuck up at St. *Paul*'s. He even conferred the Title of *Viſcount* on his *Mercer*, and created, if I miſtake not, ſix hundred Baronets; however, he conferred the Title of Duke upon but two Subjects, *viz. Stuart*, Duke of *Richmond*, who was of the Blood Royal of *Scotland*, and *Villiers* Duke of *Buckingham*.

Charles I. was the reverſe of his Father, conferring the Title of Duke on none; for that of Dutcheſs of

Dudley

Dudley, was only giving her the ſame Rank in *England*, ſhe held (in right of her Huſband) in *Germany*, nor had ſhe any Heirs Male; and Lord *Clarendon* obſerves, that it was with great Reluctance that he was prevailed on, when in Diſtreſs, to accept of a Preſent of ſix thouſand Pounds, for a Peerage; ſo that at the Reſtoration, unleſs the Duke of *Richmond* was alive, *Buckingham* was the only Duke in the three Kingdoms.

Charles II. had not only ſeen the Gaiety of a *French* Court, but was under a Neceſſity of gratifying thoſe Friends, who had ſo warmly, with their Lives and Fortunes, eſpouſed his Father and himſelf; he could not avoid conferring the Title of Duke upon *Monk*, who brought him in: and he had been under too great Obligations to the Earls of *Arundel* and *Hertford*, not to reſtore them to their Blood, and of Courſe to their old Family Titles of Dukes of *Norfolk* and *Somerſet*. The ſame Reaſon ſubſiſted for his creating the Marquis of *Worceſter* Duke of *Beaufort*, and the Marquis of *Ormond* Duke; and the Fruitfulneſs of his Miſtreſſes added ſix more to the Number, which, with his Brothers, made in the whole thirteen.

James II. before his Abdication, added but one, *viz.* the Duke of *Berwick* his natural Son.

And King *William*, being unable to gratify all the great Men, who were concerned in the *Revolution*, had Recourſe to the raiſing powerful Earls to the Title of Duke, and powerful Barons to the Title of Earl.

Queen *Anne* was by no Means ſparing of her Honours, creating twelve Peers at a Heat, to procure a Majority in that Houſe.

King *George* I. on his Acceſſion, was in much the ſame Circumſtances as *Charles* II. and King *William*, and therefore raiſed ten Peers to the Title of Duke; ſo that we had (Princes of the Blood included) thirty-two Dukes of *England*, eight of *Scotland*, and one of *Ireland*; but the ſame Reaſons not ſubſiſting in his late Majeſty's Reign, he conferred that Title upon none, but his beloved Grandſon, his Royal Highneſs the Duke of *York*, and the additional Title of *Duke* of *Newcaſtle-under-Line* to his preſent Grace, with Remainder to the Earl of *Lincoln* his Heir.

His preſent Majeſty has already created four Dukes,

viz. three of his Brothers, to the Titles of the Duke of *York*, Duke of *Cumberland*, and Duke of *Glouceſter*, and the Earl of *Northumberland*, Duke of *Northumberland*.

The Number of Dukes has however been greatly reduced by the following Titles becoming extinct, *viz.*

Monk, Duke of *Albemarle*.
Scott, Duke of *Monmouth*.
Schomberg, Duke of *Schomberg*.
Fitzroy, Duke of *Northumberland*.
Wharton, Duke of *Wharton*.
Campbell, Duke of *Greenwich*.
Villiers, Duke of *Buckingham*.
Sheffield, Duke of *Buckinghamſhire*.
Montague, Duke of *Montague*.
De Grey, Duke of *Kent*.
Talbot, Duke of *Shrewſbury*.
Stuart, Duke of *Lauderdale*, } in *Scot.*
Douglaſs, Duke of *Douglaſs*, }
Butler, Duke of *Ormond*, in *Ireland*.

Marquis. *Marquis*, the Title of Honour next under a *Duke* firſt given to thoſe, who had the chief Command on the Marches or Frontiers of Countries, was adopted into the *Engliſh* noble Titles by *Richard* II. who created *Robert Vere*, Earl of *Oxford*, his great Favourite, Marquis of *Dublin*. But this Title does not prevail ſo much as any other in this Country. The Manner of creating a Marquis differs in nothing from that of a Duke, except the Difference of the Titles, and the Marquis being conducted to the Sovereign by a Marquis and an Earl, while the Duke is led by a Duke and a Marquis. Beſides the Duke's Mantle has four Guards of Ermine, and a Marquis's only three and a Half: and their Coronets differ ſo far, that the Duke's is adorned only with Flowers or Leaves: but the Marquis's has Flowers and Pyramids with Pearls on them, intermixed, to ſhew that he is a Degree between a Duke and an Earl. The Title given him in the Style of the Heralds, is *Moſt Noble, and Moſt Honourable and Potent Prince*. And his eldeſt Son, by the Courteſy of *England*, is called Earl and Lord of ſome Place; and his younger Sons Lord *John* or Lord *James*, &c.

Earl. *Earl*, in ancient Times, was the ſame as *Comes*, one, who, by his Office and Place, attended upon the King to

to give him Council and Advice. The *Saxons* called him *Earldorman*; the *Danes* contracted the Title to *Eorl*; from whence comes our modern Name *Earl*; which Title died with the Perſon dignified therewith. *William* the Conqueror made this Title hereditary, gave it in Fee to his Nobles, and allotted them, for the Support of their State, the third Penny out of the Sheriff's Court, iſſuing out of all Pleas of the Shire, from which they had their Title. But now Earl is a mere Title conveying no Intereſt or Property with it, in the Place from which it is taken; though it ſtill deſcends to the Heir-Male, or in ſuch Line and Degrees of Deſcent, as ſhall be ſet forth in the Patent of Creation.

The firſt Time we read of the Earls Inveſtiture, by girding him with a Sword, was in King *Richard* the Second's creating *Hugh de Puſaz* (Biſhop of *Durham*) Earl of *Northumberland*. His Coronet has Pearls much higher than the Leaves, which, in the Marquis's, are of equal Height. His Title is *Moſt Potent, Noble, and Right Honourable*. And, in the King's Writ of Summons to Parliament, he is ſaluted by the King, by the Name of *Couſin*.* By the Courteſey of *England* his eldeſt Son bears the Title of Viſcount, and is called Lord of ſome Place, and his Daughters are all Ladies; but his younger Sons have no Title of Peerage.

Viſcount, an intermediate Title of Honour between the Baron and the Earl; is of the lateſt Date amongſt our Nobility, created by King *Henry* VI. *A. D.* 1440, but conferred with the ſame Ceremonies, as the other noble Titles. He has a Sur-coat, Hood, Mantle, Verge, Cap, and Coronet, but no Sword. The doubling of his Cap, is plain white Fur; and the Guards of his Mantle are only two and a half, made of the Bellies of Squirrels. His Coronet is adorned with Pearls ſet cloſe without any Exaltation, or certain Number: and his Title is *Right Honourable, and truly Noble*, or *Potent Lord*. He conveys no Title of Peerage to his eldeſt Son, neither Viſcount.

* A Cuſtom derived from the *Saxon* Time, when the Dignity of an Earl was the moſt eminent and ſupreme Honour and Title conferred by the Sovereign, and ſeldom, if ever, given to any but thoſe of the Blood *Royal*, and as ſuch the Earls were intitled by natural Ties to be the King's Couſins.

are his daughters Ladies. But the eldeſt Son and eldeſt Daughter of a Viſcount, are ſaid to be the firſt Gentleman, and firſt Gentlewoman, without a Title, in *England*.

Barons. A *Baron* is a Dignity of Honour next to a Viſcount, of which Degree there are three Sorts: *viz.* A Baron by Tenure, a Baron by Writ, and a Baron by Patent.

The *Barons by Tenure*, are the Spiritual Lords, the Biſhops, who, in Parliament, take Place at the Princes Right Hand.

It is probable that, formerly, all thoſe were *Barons*, who had Lordſhips with Courts; and ſoon after the Conqueſt, all ſuch ſat in the Houſe of Peers; but they being very numerous, it grew an Order and Cuſtom, that none ſhould ſit there, but ſuch as the King thought fit to call up by *Writ*, which ran *pro hac Vice tantum*. And when this Method did not anſwer the great End of Parliament, and the State of the Nobility thereby grew precarious, they, at length, obtained of King *Richard* II. Letters Patent; who, *A. D.* 1388, created *John Beauchamp* of *Holt*, Baron of *Kidderminſter*; therefore theſe were called *Barons by Patent* or Creation, the only Way now in Uſe to make Barons, unleſs when the Son of a Lord, in his Anceſtor's Life Time, is ſummoned by Writ.

The *Baron by Patent* wears a Coronet. His Mantle has but two Guards; he is not girt with the Sword; neither had he a Coronet till the Reign of King *Charles* II. who granted him a Circle of Gold, with ſix Pearls ſet cloſe to the Rim. His Title is *Right Noble Lord*.

Their Precedency. The Nobility thus formed in their ſeveral Degrees (excluſive of high Offices) maintain a Precedency or Rank among themſelves in the following Order, 1. Dukes, 2. Marquiſes, 3. Eldeſt Sons of Dukes, 4. Earls, 5. Eldeſt Sons of Marquiſes, 6. Younger Sons of Dukes, 7. Viſcounts, 8. Eldeſt Sons of Earls, 9. Younger Sons of Marquiſſes, 10. Barons, 11. Eldeſt Sons of Viſcounts, 12. Younger Sons of Earls, 13. Eldeſt Sons of Barons. And all Peers under each Title keep their *Rank* according to the Date of the Patent of their Creation. And their Ladies and their Sons Ladies among them, maintain the Dignity and Rank of their reſpective Huſbands.

No

No Peer thus created and dignified can go out of the King's Dominions, without Leave; and must return upon the King's Writ under the Privy-Seal, or forfeit Goods and Chattels. May not go out of the Kingdom.

The Nobility above described are entitled to divers and sundry Honourable Privileges * and Immunities by the Laws and Customs of this Realm, both in and out of Parliament.

Privilege I. A Baron, Viscount, Earl, or other Lord of Parliament, and Peer of the Realm, being Plaintiff in an Action, the Defendant pleads, That the Plaintiff is not a Baron, Viscount, Earl, *&c.* as he is named in the Writ. This must not be tried at common Law by Jury, nor by Witnesses as in the Court of Chancery; but by the Record in that Court, which imports by itself solid Truth. † Thus if a Title of Honour doth descend to a Woman, If a Question in Law shall arise between the noble Woman, and any other Person, whether she be of that Degree of Nobility or not, the Issue shall be tried by the Record thereof, and it shall be certified by the King's Writ, and not by a Jury of twelve Men. Privileges.

Priv. II. Their Bodies are not subject to Torture for Treason. ‡

Priv. III. If any Servant of the King in the Check-Roll, compasses, or intends to kill any Lord of Parlia-

* Privilege is defined by *Frerotus* thus, Privilegium est Jus singulare, hoc est privata Lex, quæ uni Homini, vel Loco, vel Collegio, & similibus aliis conceditur *decreta* de Privilegiis. *Gratian* thus, Privilegia sunt Leges Privatorum, quasi privatæ Leges: Nam Privilegium inde dictum est, quia in privato, feratur. Decret. prima Pars. Distinctio 3. c 3. Privilegium (saith *Geo. Brondlacht Westph.*) est jus singulare, certæ Personæ, vel Rei, ob aliquam Æquitatis Rationem, contra communes Juris Normas, indultum, lib. 7. c. 5. de Privilegiis. *Another* tells us, That Privilegium est quasi privata Lex, & contra Dispositionem Juris communis Concessio facta. And the great *Civilian*, our Countryman Dr. *Ridley*, defines it in this Manner; *It is*, says he, *an Immunity* granted unto a private Man, beside the Law.

† See *Co.* lib. 12. fol. 94 and 95, Countess of *Shrewsbury*'s Case, fol. 70. and Lord *Abergavenny*'s Case. Countess of *Rutland*'s Case, *&c.*

‡ See *Co.* lib. 12. fol. 95. Countess of *Salop*'s Case.

ment, or other Lord of the King's Council, this is Felony. ‖

Priv. IV. At the Suit of the Subject the Bodies of Noblemen, Lords of Parliament ſhall not be arreſted; neither Capias, nor Exigent lieth againſt them. A Privilege founded upon a ſtrong Preſumption, *That the moſt honourable are likelieſt to be right honeſt*, and to pay even before Demand, and alſo that their Fortunes are ſufficient to ſatisfy without attaching their Perſons. However this Privilege is not ſo abſolute, but the Court of Common Pleas, if they ſee Cauſe may, in Caſe of Debt, * award Plea of a *Capias* againſt a Baron, or other Peers of the Realm: and for Contempts a *Capias* does lie againſt a Peer; as for reſcuing one arreſted by the Courſe of Law: † and a *Capias pro fine* lies againſt a Nobleman; for none can be privileged againſt the King. ‡ And if a Lord of Parliament doth with Force and Arms detain a Man in his Houſe, or elſewhere, and if that Lord to prevent the Execution of the Writ *de Homine replegiando*, to deliver him, and of Malice, do keep or convey away this ſame Man, ſo wrongfully impriſoned, ſo privately, as that the Sheriff cannot execute the ſaid Writ: then the Court will award a *Withernam*, whereby the Sheriff ſhall attach and arreſt the Body of the ſaid Lord, and alſo impriſon him, until he do deliver his ſaid Priſoner. §

Priv. V. Noblemen and Lords of Parliament are not to be empannelled upon common Juries of twelve Men, for the Inqueſt *de facto*.

Priv. VI. In the Common Pleas a temporal Lord of Parliament ſhall have Knights returned on his Jury. And this is incident to Biſhops alſo, as Peers of the Realm. And if a noble Peer of the Realm be Plaintiff, and a Commoner Defendant, and they join Iſſue, and two Knights are not returned in the Jury between

‖ See 3 *Hen.* VII. 14, *Co.* lib. 22. fol. 95. Counteſs of *Shrewſbury*'s Caſe, and *Co.* Inſtit. fol. 37.

* The Caſe of *Marſhalſea* 38 *Hen.* VIII. *Dyer* 60. b. 60. lib. 6. 54. *a.* Counteſs of *Rutland*'s Caſe.

† See 27 *Henry* VIII. 27. *Crompton*'s Courts, fol. 14. *a.*

‡ See *Cron. Eliz.* fol. 170. Lord *Stafford* and *Thinne*, and fol. 503. Earl of *Lincoln* againſt *Flower*.

§ See 11 *Hen.* IV. 15. *F. N. B.* 68. *Crompton*'s Courts, fol. 20. *a.* *Hobart*'s Rep. fol. 61. *Foſter* and *Jackſon*.

them,

them, as there ought to be, the Defendant may challenge the Array of Jury, as well as the Peer. *

Priv. VII. No *Eſſoin* lies againſt a Peer. The Reaſon of this Immunity is, for that thereby a Nobleman ſhould no longer be delayed, than the ordinary Courſe of the Court is; and ſuch a Lord is to have Expedition of Juſtice, in reſpect he is to attend the ſacred Perſon of the King, and the Service of the Common-wealth. But in Caſe a Baron or Baronneſs, an Earl, *&c.* have their Abſence excuſed by *Eſſoin*, he, who caſts ſuch *Eſſoin* or Excuſe, ought to find Pledges, that the *Eſſoin* is true: whereas in the Caſe of a Common Perſon it ſhall reſt upon the Credit and Integrity of the *Eſſoniator:* And the reaſon of this Diverſity is, becauſe Noblemen in *Warrantizatione Eſſonii*, do not ſwear by themſelves, but by their Proxies, *viz.* their Pledges. ‖

Priv. VIII. Noblemen, Peers of the Realm and Lords of Parliament are exempted from Attendance at the Sheriff's Tourn, or at any Court-Leet, or to take there the Oath of Ligeance.

Priv. IX. It is enacted by 5 *Eliz.* c. 1. That every Knight, Citizen and Burgeſs of Parliament ſhall take the Oath of Supremacy before the Lord Steward, or his Deputy: But it is not required of any of the Lords Temporal; becauſe the King is otherwiſe ſufficiently aſſured of their Faith and Loyalty, as it is preſumed.

Priv. X. A Peer of the Realm ſummoned to Parliament, in his lawful Abſence, and Licences of his Prince may appoint a Proxy, to vote for him. But ſome Inconveniences ariſing from this Privilege, the Houſe of Peers in the Year 1626, and 2 *Charles* I. ordered, That, for the future, no Lord of the Houſe ſhould be capable of receiving above two Proxies, nor more to be numbered in any Cauſe voted.

Priv. XI. No Temporal Peer and Lord of Parliament ſitting in Parliament, or within the uſual Time of Privilege of Parliament, is to be impriſoned or reſtrained without Order from the Houſe; unleſs it be for

* See *Mich.* 33. & 34 *Eliz. Anderſon* 1. Part 272. N. 281.

‖ See *Bracton*, lib. 5. *Tract.* 2. *de Eſſoniis*, c, 9. Nu. 3. fol. 351. b. *&c.* 2 N. 3. fol. 337. *Britton*, c. 1. 22. fol. 282. *a. Fleta*, lib. 6. c. 10. *nu.* 15. *Co.* 2. Inſt. 137.

Treaſon,

Treaſon, Felony, or refuſing to give Security for the Peace.

Priv. XII. It belongs to the Houſe of Lords by the ancient Laws and Conſtitutions of this Kingdom, to interpret Acts of Parliament, in Time of Parliament, in any Cauſe, that ſhall be brought before them.

Priv. XIII. If Writs of Error be brought in Parliament upon Judgments given in the King's Bench, the Lords of the higher Houſe alone, without the Commons, are to examine and amend the Errors. The Lords finding themſelves extremely preſſed by the bringing Writs of Error upon Judgments into their Houſe, whereby the public Affairs were much retarded, made this Order in *June* 1641,

"*Ordered*, That ſuch Perſons that bring in Writs of "Error into this Houſe, upon a Judgment given in a "Court of Juſtice, and if it appears that there is no "juſt Cauſe of Error in the ſaid Judgment, but merely "for delay of Juſtice and Execution, that then ſuch "Coſts is to be given againſt the Parties that bring the "Writ of Error, as the Houſe ſhall think fit to give in "that Caſe, and that the Record ſhall be remitted to "whence it came, that the Defendant may take out Exe-"cution."

Priv. XIV. Noblemen, Peers of the Realm, and Lords of Parliament, are not to be arreſted by any Warrant of a Juſtice of Peace, or for the good Behaviour, nor by a *Supplicant* out of the high Court of Chancery, or from the King's Bench. For our Laws conceived ſuch an Opinion of the peaceable Diſpoſition of Noblemen, that it hath been thought enough to take their Promiſe upon Honour, in that Behalf. Though this Privilege is ſupported by ſeveral Authorities; * we find an Inſtance, † whereon Articles of Peace exhibited by one *Coleman*. Lord *Gerrard*, though a Peer, and the Parliament only prorogued, was bound to good Behaviour, and obliged to find Securities.

* See *Lambert*'s Juſtices of Peace, lib. 2. c. 2. 24 *Edw.* III. 33. Subpæna Fitzh. 20. *Camden*'s Britan, 169. *Eng.* Edit. 1610. *Dodridge*'s Treatiſe of Nobility, fol. 139 and 140. Edit. 1658.

† See *Keble* 435, Nu. 74.

Priv.

Priv. XV. Noblemen, Barons of the Realm, being Defendants in Chancery, inſtead of a *Subpœna*, have a Letter directed to them from the Lord-chancellor, or the Lord-keeper, of their Appearance, at a Day therein prefixed. If the Lord does not appear to this Letter, no Attachment ſhall be taken out againſt him. For there can be no Proceſs of Contempt againſt his Perſon, but the Court can proceed to a Sequeſtration.*

Priv. XVI. Temporal Lords of the Parliament in all Caſes, where Clergy lieth at the Common Law, or is reſtrained by Statute, ſhall, upon their Prayer, be adjudged as a Clerk convict, though they cannot read.

Priv. XVII. The dwelling Houſe of a Peer, whilſt he or his Lady be there Reſident, ſhall not be ſearched, but by immediate Warrant from the King, under his Sign manual, or in the Preſence of the Lieutenant of the County, or one of the Deputy-Lieutenants, or two Juſtices of the Peace, whereof one to be of the *Quorum*, 16 *Car.* II. c. 4.

Priv. XVIII. The ſupreme Legiſlature of this Nation is ſo tender of the Honour, Credit, Reputation, and Perſons of the Nobility, that there is a Law purpoſely made by 2 *Richard* II. c. 5. to obviate, withſtand, or hinder all Offences, by falſe Reports, or Lies, whereby any Scandal to their noble Perſons may ariſe; or Debate and Diſcord between them and common Perſons: and becauſe it is to defend them, that Law is called *Scandalum Magnatum*.

Priv. XIX. No Demeſne or proper Cart for the neceſſary Uſe of our Nobility ought to be taken for the King's Carriage. They are exempt by Law.

Priv. XX. It was an ancient Cuſtom for the Peers of the Realm, to have a certain Quantity of Wine Cuſtom-free, *viz.* a Tun of Wine to every Earl, *&c.*

Priv. XXI. In all Caſes upon Non-ſuits, or other Judgments, Earls and Barons, by c. 14. of *Magna Charta*, ſhall not be amerſed but by their Peers, Lords of Parliament, and after the Manner of their Offence.

Priv. XXII. The Lords in Parliament are the ſupreme Court of Judicature in this Nation, not only to judge, whether Matters preſented to them by the Commons,

* See 2 *Ventris*, fol. 34.

be

be fit, or requiſite for the King to paſs into Laws; but alſo Writs of Error, and of Matters of Fact, either not determinable in other Courts, or elſe when, though they are determinable, yet, in regard of Nicety, or ſpecial Matters, they cannot well diſcern or judge.

Priv. XXIII They have Liberty to hunt in the King's Foreſts, and to kill one or two Deer at a Time, by the Statute *de Foreſta.*

Priv. XXIV. Lords of Parliament ſhall be tried in criminal Cauſes, *viz.* Treaſon, Felony, or Miſpriſon of them by thoſe, who are noble, and Peers of the Realm: as by c. 29 of *Magna Charta.* But when a Peer of the Realm is arraigned in an Appeal of Felony, he loſes this Privilege, and muſt undergo the ordinary Trial of twelve Men, Free-holders; † and the ſame in the Caſe of a *Præmunire* ‖.

Priv. XXV. In Trial of a Peer the Lords of Parliament ſhall not ſwear, but they paſs their Judgment upon that Faith and Allegiance they owe to the King. So that their Faith and Allegiance ſtand in equipoiſe with an Oath, and in the Caſe of a common Perſon, in Trial of Life. Many have been the Opinions concerning this Privilege, but the Reſolution of the Lords, *A. D.* 1628, "That the Nobility of this Kingdom, and Lords of the "Houſe of Parliament, are of ancient Right, to anſwer "in all Cauſes, as Defendants, upon Proteſtation of "*Honour* only, and not upon the common Oath, puts "it out of all Doubt." Yet it is more fully declared in the following Proceedings and Order. The Earl Marſhall in 1640, having reported the Opinion of the Committee, to whom the Conſideration of the Proteſtation of the Peers of this Realm, *upon Honour* was referred, upon ſome Doubts, that had ariſen, in a former Debate of the Houſe of *Peers*, upon a former Order to that Purpoſe, divers learned Men of both Laws declared, "That our "Anſwer *upon Honour only*, can be no Impediment to

† See *Stamford* l. 3. c. 1. Br. Trials, 142, and Jurors, 48 *in fine*, 10 *Edw.* IV. 6. 13 *Hen.* VIII. 11, 12. Br. Tit. Treaſon, 29, 33, *Holbourn*'s Readings Lecture, p. 68. Br. Coronæ 153. *Co.* 3 Inſt. 30. and 2 Inſt 49.

‖ *Co.* lib. 12. fol. 92. Lord *Vaux*'s Caſe, *Balſford*, 1 Part 198, 199, *Co.* 3. Inſtit. 30.

the

" the common Juſtice of the Kingdom, but a juſt Pre-
" ſervation of our ancient Liberties. And it was then
" ordered, *nemine Contradicente*, That the *Nobility* of this
" Kingdom, and Lords of the *Upper-houſe* of Parliament
" are, of ancient Right, to anſwer in all Courts, as
" Defendants upon Proteſtations of *Honour* only, and
" not upon the common Oath: And that the ſaid Or-
" der, and this Explanation do extend to all Anſwers
" and Examinations upon Interrogatories in all Cauſes,
" as well criminal as civil, and in all Courts and Com-
" miſſions whatſoever: And alſo the Perſons of the Wi-
" dow Dowagers of the Temporal Peers of this Land.
" And though neither Civil Law, nor Common Law
" allow any other Teſtimony to be valid, but what is
" given upon Oath; yet the Teſtimony of a Peer of
" *England* given in, and upon his *Honour*, without any
" Oath, is eſteemed valid."

By an Act, 10 *Geo.* III. intituled, *For the further preventing delays of Juſtice by reaſon of Privilege of Parliament*, it is enacted, that Suits or Actions may be proſecuted in Courts of Record, Equity or Admiralty; and in Courts having cognizance of cauſes Matrimonial and Teſtamentary againſt Peers and Members of the Houſe of Commons, and their Servants, *&c.* with this proviſo, that the perſons of Members of the Houſe of Commons ſhall not be arreſted, nor impriſoned: But that the Court out of which the Writ proceeds may order the Iſſues levied to be ſold, and the Money ariſing thereby to be applied to pay Coſts to the Plaintiff, and the ſurplus to be retained till the appearance of the Defendant, or other purpoſe of the Writ be anſwered; the reſidue to be returned and repaid to Defendant.

And it was further enacted, that obedience to rule of the Court of King's-Bench, Common-Pleas or Exchequer, may be enforced by Diſtreſs infinite. This Act extended to *Scotland*.

A List *of the* Peerage *of* England. 1771.

Peers of the Blood Royal.

Henry, Lord *Apſley*, Lord High-chancellor of Great Britain. *Aug.* 19, 1762. His Royal Highneſs George-Augustus-Frederick, Prince of Wales, Earl of Cheſter, Electoral Prince of Brunſwick and Lunenburgh, Duke of Cornwall and Rothſay, Earl of Carrick, Baron of Renfrew, Lord of the Iſles, and Great Steward of Scotland.

1764, *Nov.* 19. His Royal Highneſs *William-Henry*, Duke of Glouceſter and Edinburgh, Earl of Connaught in Ireland.

1766, *Oct.* 22. His Royal Highneſs *Henry-Frederick*, Duke of Cumberland and Strathern, and Earl of Dublin.

RICH. III. 1483. *(a)* † *Edward Howard*, duke of Norfolk, earl of Arundel, earl-marſhal, hereditary marſhal, and premier duke of England.

EDW. VI. 1546. *Edward Seymour*, duke of Somerſet, baron Seymour.

CHA. II. 1670. *William Fitzroy*, duke of Cleveland and Southampton, earl of Chicheſter.

1675. *Charles Lenox*, duke of Richmond, Lenox, and Aubigny, earl of March and Darnley.

1675. *Auguſtus Henry Fitzroy*, duke of Grafton, earl of Euſton.

1682. § *Henry Somerſet*, duke of Beaufort, marquis of Worceſter.

1683. *George Beauclerk*, duke of St. Albans, earl of Burford, hereditary grand falconer of England, hereditary regiſter of the Court of Chancery.

WILL. III. 1689. *Harry Powlet*, duke of Bolton, marquis of Wincheſter, premier marquis of England.

1694. § *Thomas Oſborne*, duke of Leeds, (viſcount Dumblaine in Scotland) marquis of Carmarthen.

1694. *John Ruſſel*, duke of Bedford, marquis of Taviſtock.

1694. *William Cavendiſh*, duke of Devonſhire, marquis of Hartington.

ANNE, 1702. *George Spencer*, duke of Marlborough, marquis of Blandford.

1703. *John Manners*, duke of Rutland, marquis of Granby.

1708. ‡ *Charles Douglas*, duke of Dover, marquis of Beverly.

1711. ‡ *James-George Hamilton*, duke of Brandon, lord Dutton, (alſo duke of Hamilton in Scotland.)

GEO. I. 1715. *Peregrine Bertie*, duke of Ancaſter and Keſteven, marquis of Lindſey, lord great chamberlain of England by inheritance.

1715. *Evelyn Pierpoint*, duke of Kingſton, marquis of Dorcheſter.

1715. § *Thomas Pelham Holles*, duke of Newcaſtle upon Tyne, alſo duke of Newcaſtle under Line in Staffordſhire, marquis of Clare, and lord Pelham.

(a) † *Roman Catholics.*—‡ Do not ſit in the Houſe.—§ Baronets.

1716. *William*

1716. *William Henry Cavendiſh Bentinck*, duke and earl of Portland, marquis of Titchfield.

1719. *George Montagu*, duke of Mancheſter, viſcount Mandeville.

1719. § *Henry Brydges*, duke of Chandos, marquis of Caernarvon.

1720. *Charles Sackville*, duke of Dorſet, and earl of Middleſex.

1720. *Francis Egerton*, duke of Bridgewater, marquis of Brackley.

1766. § *Hugh Percy*, duke and earl of Northumberland, earl Percy, lord Warkworth of Warkworth Caſtle.

1766. § *George Montagu*, duke of Montagu, marquis of Monthermer, earl of Cardigan, and lord Brudenel.

GEO. II. 1746. *Charles Watſon Wentworth*, marquis of Rockingham, earl of Malton, (alſo earl of Malton in Ireland.) Marquis

HEN. VI. 1442. † *George Talbot*, earl of Shrewſbury, lord Talbot, earl of Waterford and Wexford in Ireland. Earls.

HEN. VII. 1485. § *Edward Stanley*, earl of Derby, lord Strange.

HEN. VIII. 1529. *Francis Haſtings*, earl of Huntingdon, lord Haſtings.

EDW. VI. 1551. *Henry Herbert*, earl of Pembroke and Montgomery, lord Herbert.

ELIZ. 1572. *Henry Clinton*, earl of Lincoln, lord Clinton.

JAM. I. 1603. *Henry Howard*, earl of Suffolk and Berkſhire, viſcount Andover.

1605. *James Cecil*, earl of Saliſbury, viſcount Cranbourn.

1605. *Brownlow Cecil*, earl of Exeter, lord Burleigh.

1618. *Spencer Compton*, earl of Northampton, lord Compton.

1622. *Baſil Fielding*, earl of Denbigh, viſcount Fielding, (earl of Deſmond in Ireland.)

CHA. I. 1627. *Charles Mordaunt*, earl of Peterborough and Monmouth, lord Mordaunt.

1628. § *Harry Grey*, earl of Stamford, lord Grey.

1628. § *Daniel Finch*, earl of Winchilſea and Nottingham, viſcount Maidſtone.

1628. *Philip*

1628. *Philip Dormer Stanhope*, earl of Chesterfield, lord Stanhope.

1628. *Sackville Tufton*, earl of Thanet, lord Tufton, hereditary sheriff of Cumberland, and lord of the honour of Skipton in Craven.

CHA. II. 1660. *John Montagu*, earl of Sandwich, viscount Hinchinbroke.

1661. *John William Anne Holles Capel*, earl of Essex, viscount Malden.

1661. *Arthur Annesley*, earl of Anglesey, lord Annesley, (viscount Valencia in Ireland.)

1661. *Frederick Howard*, earl of Carlisle, viscount Morpeth.

1662. *Henry Scot*, earl of Doncaster, lord Scot, (duke of Buccleugh in Scotland).

1672. § *Anthony Ashley Cooper*, earl of Shaftesbury, lord Ashley.

1674. § *George Henry Lee*, earl of Lichfield, viscount Quarendon.

1679. *Frederick Augustus Berkeley*, earl of Berkeley, viscount Dursley.

1682. *Willoughby Bertie*, earl of Abingdon, lord Norreys.

1682. § *Thomas Noel*, earl of Gainsborough, viscount Cambden.

1682. *Robert D'Arcy*, earl of Holderness, lord D'Arcy.

1682. *Other Lewis Windsor Hickman*, earl of Plymouth, lord Windsor.

WILL. III. 1690. *Richard Lumley Saunderson*, Earl of Scarborough, (viscount Lumley in Ireland.)

1695. *William Henry Zuleistein de Nassau*, earl of Rochford, viscount Tunbridge.

1696. *George Keppel*, earl of Albemarle, viscount Bury.

1697. *George William Coventry*, earl of Coventry, viscount Deerhurst.

1697. *William Villiers*, earl of Jersey, viscount Villiers.

ANNE, 1706. *Vere Poulet*, earl Poulet, viscount Hinton.

1706. *George Cholmondeley*, earl of Cholmondeley, viscount Malpas (viscount Cholmondeley of Kells in Ireland.)

1711. *Edward Harley*, earl of Oxford and earl Mortimer, lord Harley.

1711. § *Washington Shirley*, earl Ferrers, viscount Tamworth.

1711. § *Wil-*

1711. § *William Wentworth*, earl of Strafford, viſcount Wentworth.
1711. *William Legge*, earl of Dartmouth, viſcount Lewiſham.
GEO. I. 1714. *Henry Paget*, earl of Uxbridge, lord Paget.
1714. *Charles Bennet*, earl of Tankerville, lord Oſſulſton.
1714. *Heneage Finch*, earl of Aylesford, lord Guernſey.
1714. *George William Hervey*, earl of Briſtol, lord Hervey.
1714. § *Robert Carteret*, earl Granville, viſcount Carteret, and hereditary bailiff of the Iſle of Jerſey.
1714. *George Montagu Dunk*, earl of Halifax, viſcount Sunbury.
1717. § *Henry Yelverton*, earl of Suſſex, viſcount Longueville.
1717. § *George Clavering Cowper*, earl Cowper, viſcount Fordwich.
1718. *Philip Stanhope*, earl Stanhope, viſcount Mahon.
1719. *Bennet Sherrard*, earl of Harborough, lord Sherrard (baron Leitrim in Ireland.)
1721. *Thomas Parker*, earl of Macclesfield, viſcount Parker.
1721. § *George Fermor*, earl of Pomfret, lord Lempſter
1722. *William Graham*, earl and baron Graham of Belford (duke of Montroſe in Scotland).
1722. *John Ker*, earl and baron Ker of Wakefield (duke of Roxburgh in Scotland.)
GEO. II. 1729. § *John Waldegrave*, earl Waldegrave, viſcount Chewton.
1730. *John Aſhburnham*, earl of Aſhburnham, viſcount St. Aſaph.
1731. *Thomas Howard*, earl of Effingham, lord Howard.
1741. *George Walpole*, earl of Orford, viſcount Walpole.
1741. *William Stanhope*, earl of Harrington, viſcount Peterſham.
1743. *John Wallop*, earl of Portſmouth, viſcount Lymington,
1746. *Francis Greville*, earl Brooke, and earl of Warwick.

1746. § *Granville Leveſon Gower*, earl Gower, viſcount Trentham.

1746. § *John Hobart*, carl of Buckinghamſhire, lord Hobart.

1746. *William Fitzwillian*, earl Fitzwilliam, viſcount Milton (alſo earl Fitzwilliam in Ireland.)

1748. *Henry Arthur Herbert*, earl Powys, viſcount Ludlow.

1749. § *George Wyndham*, earl of Egremont, lord Cockermouth.

1749. *Richard Grenville Temple*, carl Temple, viſcount and baron Cobham.

1749. *Simon Harcourt*, earl Harcourt, viſcount Newnham.

1750. *Francis Seymour Conway*, earl of Hertford, viſcount Beauchamp, (lord Conway in Ireland.)

1752. *Francis North*, earl of Guildford, lord North.

1753. § *Charles Cornwallis*, earl Cornwallis, viſc. Bromc.

1754. *Philip Yorke*, earl of Hardwicke, viſcount Royſton.

1754. *Henry Vane*, earl of Darlington, viſcount Barnard.

1756. § *Thomas Belaſyſe*, earl and viſcount Fauconberg.

1756. *Stephen Fox*, earl of Ilcheſter, lord Stavordale.

GEO. III. 1761. *John Weſt*, earl Delawarr, viſc. Catalupe.

1761. *William Talbot*, earl Talbot, lord Henſol.

1764. *Robert Henley*, earl of Northington, lord Henley, baron of Grange in Hampſhire.

1765. § *William Bouverie*, earl of Radnor, viſcount Folkſtone.

1765. *John Spencer*, earl Spencer, and viſcount Althorpe, in the county of Northampton.

1766. *William Pitt*, earl of Chatham, viſcount Pitt, of Burton-Pynſent.

1766. *John Ligonier*, carl Ligonier, baron of Ripley in Surry, (viſcount Ligonier in Ireland.)

Viſcounts. EDW. VI. 1549. *Edward Devereux*, viſcount Hereford, premier viſcount of England.

MARY, 1554. *Anthony Browne*, viſcount Montague.

JAMES I. 1624. *Richard Fienes*, viſcount and baron Say and Sele.

CHAR. II. 1682. § *George Townſhend*, viſcount Townſhend.

1682. § *Thomas Thynne*, viſcount Weymouth.

ANNE, 1711. § *Frederick St. John*, viſcount Bolingbroke, and St. John of Batterſea.

GEO. I. 1720. *Hugh Boſcawen*, viſcount Falmouth.

1721. *George Byng*, viſcount Torrington.

GEO. II.

GEO. II. 1746. *James Fitzgerald*, viſcount Leinſter of Taplow in Bucks (duke of Leinſter in Ireland.
GEO. III. 1762. § *Edward Noel*, viſcount Wentworth.
1762. § *William Courtenay*, viſcount Courtenay.
1763. *John Ward*, viſcount Dudley and Ward, lord Ward, baron of Birmingham.
1766. § *Charles Maynard*, viſcount Maynard, and baron of Much-Eaſton in Eſſex. Barons.
EDW. I. 1295. *George Neville*, lord Abergavenny.
HEN. III. 1231. § *Francis Daſhwood*, lord Le Deſpenſer.
EDW. I. 1296. *James Touchet*, lord Audley of Heleigh (earl of Caſtlehaven in Ireland.
1297. *Thomas Barret-Lennard*, lord Dacre.
1297. *Norborne Berkeley*, lord Botetout.
EDW. II. 1307. *Ferdinando Dudley Lea Smith*, lord Dudley.
HEN. VI. 1448. † *William Stourton*, lord Stourton.
HEN. VII. *John Peyto Verney*, lord Willoughby de Broke.
EDW. VI. 1546. *Henry Willoughby*, lord Willoughby of Parham.
ELIZ. 1558. § *Beauchamp St. John*, lord St. John ofBletſo.
JAM. I. 1603. † *Robert Edward Petre*, lord Petre of Writtle.
1605. † *Henry Arundel*, lord Arundel of Wardour (Count of the ſacred Roman Empire.
1608. *John Bligh*, lord Clifton of Leighton Bromſwold (earl of Darnley in Ireland.)
1615. § † *John Dormer*, lord Dormer of Wenge.
1616. † *Henry Roper*, lord Teynham.
CHA. I. 1643. § *Ed. Leigh*, lord Leigh of Stoneleigh.
1643. *William Byron*, lord Byron of Rochdale.
CHA. II. 1657. † *Marmaduke Langdale*, lord Langdale of Holme.
1658. *John Berkeley*, lord Berkeley of Straton.
1661. *Nathaniel Booth*, lord Delamere.
1663. *John Arundel*, lord Arundel of Trerice.
1665. *William Craven*, lord Craven of Hampſted-Marſhall.
1672. ‡ *Hugh Clifford*, lord Clifford of Chudley.
ANNE, 1711. *Edmund Boyle*, lord Boyle of Marſton and Orrery in Ireland.
1711. *Thomas Hay*, lord Hay of Pedwarden (earl of Kinnoul in Scotland.)
1711. § *Francis Willoughby*, lord Middleton.

1711. *Robert Hampden Trevor*, Lord Trevor of Bromham.
1711. § *Samuel Maſham*, lord Maſham of Oats.
1711. § *Allen Bathurſt*, lord Bathurſt of Battleſden.
Geo. I. 1716. § *Richard Onſlow*, lord Onſlow.
1716. § *Robert Marſham*, lord Romney.
1718. *Charles Cadogan*, lord Cadogan of Oatley.
1720. *Matthew Ducie Morton*, lord Ducie de Morton, and lord Ducie of Tortworth in Glouceſterſhire 1763, with remainder to Thomas and Francis, ſons of Fran. Reynolds, Eſq;
1723. *Thomas King*, lord King of Ockham.
Geo. II. 1728. § *John Monſon*, lord Monſon.
1735. *Francis Godolphin*, lord Godolphin.
1741. *Thomas Bromley*, lord Montfort, of Horſe-heath.
1741. *Frederic-Henry-Thynne How*, lord Chedworth.
1742. *George Edgcumbe*, lord Edgcumbe of Mount Edgcumbe.
1743. *Samuel Sandys*, lord Sandys of Ombersley.
1746. *Thomas Bruce Brudenel*, lord Bruce, of Tottenham.
1746. *Matthew Forteſcue*, lord Forteſcue of Caſtle-Hill.
1747. § *Henry Liddel*, lord Ravenſworth, of Ravenſworth Caſtle.
1747 *Thomas Archer*, lord Archer, of Umberſlade.
1749. *William Ponſonby*, lord Ponſonby of Syſonby, (earl of Beſborough in Ireland.)
1750. *Vere Beauclerk*, lord Vere of Hanworth.
1756. *Thomas Villiers*, lord Hyde of Hindon.
1756. *Horatio Walpole*, lord Walpole, of Wolterton.
1756. *William Murray*, lord Mansfield.
1756. *Wills Hill*, lord Harwich, of Harwich in Eſſex, (earl of Hilſborough in Ireland.)
1756. § *George Littelton*, lord Littelton, of Frankley in Worceſterſhire.
1760. *William Petty*, lord Wycombe, (earl of Shelburne in Ireland.)
1760. *Lewis Monſon-Watſon*, lord Sonds.
Geo. III. 1761. *Thomas Robinſon*, lord Grantham.
1761. § *Richard Groſvenor*, lord Groſvenor.
1761. § *Nathaniel Curzon*, lord Scarſdale.
1762. § *William Irby*, lord Boſton.
1762. *John Purſeval*, lord Lovel and Holland of Enmore in Somerſetſhire (alſo earl Egmont in Ireland.)

1762. *John*

1762. *John Montagu*, lord Montagu, of Boughton, eldeſt ſon of the duke of Montagu, and titular marquis of Monthermer.

1762. *Joſeph Damer*, lord Milton, of Milton-Abbey in Dorſetſhire (alſo lord Milton of Shronehill in Ireland.)

1762. *Edward Montagu*, lord Beaulieu.

1762. *George Venables Vernon*, lord Vernon, of Kinderton.

1762. *George Fox-Lane*, Lord Bingley.

1763. *Henry Fox*, lord Holland, of Foxley.

1765. *Charles Pratt*, baron Camden, of Camden-Place.

1765. *Henry Digby*, baron Digby of Sherborne in the county of Dorſet, (lord Digby in Ireland.)

1766. *John Campbell*, baron Sundridge of Coombank, in Kent, eldeſt ſon of the duke of Argyll, titular marquis of Lorn.

Beſides theſe, the *Houſe of Lords*, ſince the *Union* with SCOTLAND, contains *ſixteen* SCOTCH *Peers*, of whom mention ſhall be made in the preſent State of that Kingdom.

Peereſſes in their own Right.

Jemima Campbell, marchioneſs Grey, lady to the earl of Hardwicke. 1740

Mileſina de Schulenberg, counteſs of Walſingham, lady to the earl of Cheſterfield. 1722

Charlotte Compton-Townſhend, baroneſs Ferrers, lady to viſcount Townſhend 1298

Margaret Tufton-Coke, baroneſs of Clifford, lady of the late earl of Leiceſter 1299

Elizabeth Percy, baroneſs Percy, lady of the duke of Northumberland 1377

Charlotte Murray, baroneſs Strange of Knokyn, lady to the duke of Athol, and lady of the Iſle of Man 1627

Mary Legge, baroneſs Stawell, of Somerton in Somerſetſhire, widow of the late right honourable Henry Bilſon Legge. 1760

Mary Stuart, baroneſs Mount Stuart, of Wortley in Yorkſhire, lady of the earl of Bute. 1761

Heſter Pitt, baroneſs of Chatham, lady to the earl of Chatham. 1761

Caroline Fox, baroneſs Holland, lady of lord Holland, 1762

Carolina Campbell, (widow of the late right honourable Charles Townſhend) baroneſs of Greenwich 1767

To theſe we add the *Archbiſhops* and *Biſhops* of the following *Sees:*

		l.	s.	d.
Archbishops.	(a) The Archbishop of *Canterbury*, primate of all England	2682	12	2
	The Archbishop of *York*, primate of England	1610	0	0
Bishops.	The Bishop of *London*.	1000	0	0
	The Bishop of *Durham*.	1821	1	3
	The Bishop of *Winchester*, Prelate of the Order of the Garter	2873	18	1
	The Bishop of *Ely*	2134	18	6
	The Bishop of *Bath* and *Wells*	533	1	3
	The Bishop of *Hereford*	768	11	0
	The Bishop of *Rochester*	358	4	0
	The Bishop of *Litchfield* and *Coventry*	559	17	3
	The Bishop of *Chester*	420	1	8
	The Bishop of *Worcester*	929	13	3
	The Bishop of *Chichester*	677	1	3
	The Bishop of *St. Asaph*	187	11	8
	The Bishop of *Salisbury*	1385	5	9
	The Bishop of *Bangor*	131	16	3
	The Bishop of *Norwich*	834	11	7
	The Bishop of *Gloucester*	835	7	3
	The Bishop of *Landaff*	144	14	2
	The Bishop of *Lincoln*	82	4	9
	The Bishop of *Bristol*	294	11	0
	The Bishop of *Carlisle*	531	4	9
	The Bishop of *Exeter*	500	0	0
	The Bishop of *Peterborough*	414	17	8
	The Bishop of *Oxford*	381	11	0
	The Bishop of *St. David's*	426	2	1

Commonalty. The *Commons* of this Nation are divided into *Gentry*, *Merchants*, *Yeomen*, *Tradesmen*, *Mariners*, *Artificers*, and *labouring People*.

Gentry. Under the Distinction of *Gentry* are comprized all above Yeomen, and below the Degree of a Baron; in which are included all Titles from Barons, downward. Formerly Gentlemen had their Beginning either of Blood, as born of genteel Parents, or as they had done something worthy in Peace or War; by which they had a Right to bear Arms, and be esteemed Gentlemen. But now he is generally called and admitted to be a Gentleman, who studies the Law, is of a University, professes the liberal Sciences, or can live without manual Labour, or inter-

(a) At the End of each is the Sum each See is charged in the King's Books.

fering

fering in any mechanical Employment. However there are ſeveral Ranks or Degrees amongſt the Gentry, diſtinguiſhed by the Titles of *Knights*, *Squires*, and *Gentlemen*, properly ſo called.

Several Orders of Knights.

Of *Knights*. There are Knights of the *Garter*, Knights of the *Bath*, *Baronets*, *Bannerets*, and Knights *Batchelors*.

Merit how rewarded.

All well regulated Governments have laid it down as a Maxim, to give a juſt Encouragement to Merit by proportioning Rewards to the Service done; for Merit muſt be ſuppoſed to conſiſt in the Performance of ſome virtuous or heroic Action, directed for the public Good: and as Virtue is either military or civil, ſo the Diſtribution of Rewards is different, either by beſtowing Degrees and Titles of *Honour*, or by Donations of *Wealth*: So that in either Conſtruction, Virtue may have its proper and ſuitable Reward. And as Honour is the proper Reward of Virtue, it has been reduced into Form and Order, by inveſting the Perſon meriting, with ſome particular Badge, Title or Appellation of Excellence under the Name of *Knighthood*. Which *Honour*, in every Degree, a Gentleman is as capable of receiving and enjoying, as they who are noble by birth.

Knights of the Garter.

The Gentry have ſeveral times been diſtinguiſhed by the Sovereign with the *Knighthood of the Garter*, the moſt ancient and honourable of all military Orders, and the Mother from whom have ſprung all the other great Orders in Chriſtendom. The Rules of this Order were from the Beginning ſo well digeſted, that they have admitted of few or no material Changes And the Knights have at no time exceeded the firſt Foundation of *twenty-ſix*, contrary to the Fate of other Orders.

Why and when inſtituted.

The Qualities of *Edward* the *third*, who founded this Honour, gave a particular Luſtre to it. He was the greateſt and braveſt Prince of his Time, in the Opinion of all others, as well as the *Germans*, who firſt made him Vicar-general of the Empire, and afterwards offered him the Imperial Diadem. He claimed the Crown of *France*, as his juſt and lawful Inheritance, and ſtudied, by the Inſtitution of this Order, to engage the moſt martial Spirits of the Age in his Quarrel. For this Purpoſe he invited to his Court the gallant Spirits from abroad, to try their Valour at the ſolemn Juſts to be held at *Windſor*, on the 19th of *January*, 1345, and out of the

moſt illuſtrious of thoſe Heroes, the King ſelected *twenty-ſix*, whom, three Years after, he incorporated by the Name and Stile of *Equites aureæ Periſcelidis*, or *Knights of the Golden Garter*, to perpetuate the ſignal Victory he gained over the *French* at *Creſſy*, where his Majeſty threw out his Garter for the ſignal of that Battle, in which the whole Power of *France* fell before him..

Its Device. Having thus given the *Garter* preheminence amongſt his Enſigns, King *Edward* III. pitched upon theſe Words for the Motto or Device of the Order. HONI SOIT QUI MAL Y PENSE, In *Engliſh*, MAY HE BE ASHAMED THAT THINKS ILL (or does not approve) of it, *i. e.* either of the Order itſelf, or of his Title to the Crown of *France*, which gave Occaſion for this Inſtitution.

This Garter is *blue*: which is the Colour his Majeſty choſe on this Occaſion, becauſe it was the Colour of the Field of the Arms of *France*; which, with the Title he had about that Time aſſumed, himſelf and his Succeſſors have ever ſince uſed. And the great Eſteem in which St. *George* was held by the Pilgrims, returned from the *Holy Land*, prevailed with the King, according to the Superſtition of thoſe Times, to make that *Chriſtian Mars* Patron both of this Order, and of the Nation.

Eminent Companions. This Order, by Companionſhip, has been illuſtrated with nine Emperors of *Germany*, three Kings of *Spain*, five Kings of *France*, two Kings of *Scotland*, ſix Kings of *Denmark*, two Kings of *Sweden*, five Kings of *Portugal*, one King of *Poland*, two Kings of *Naples*, and one King of *Arragon*, beſides divers Dukes, and other free foreign Princes; who at all Times have thought themſelves ſo highly honoured by the *Garter*, that the Emperors *Sigiſmund* and *Charles* V. came in Perſon to receive it from the Hands of the Sovereign, and to be inſtalled at *Windſor*.

The Incorporation. The Incorporation of this Order is in St. *George*'s *Chapel* in the Caſtle at *Windſor*: And it has two Seals, one belonging to the Sovereign of the Order, and a great Seal belonging to the whole College or Corporation. This College or Society conſiſts of a Sovereign (who is the King or Queen) of *England*; and twenty-five Companions called *Knights of the Garter*; a Prelate, who ist he Biſhop of *Wincheſter*; a Chancellor, who is the Biſhop of *Saliſbury*,

Saliſbury, and a Regiſter, who is the Dean of *Windſor*: a principal King at Arms, ſtiled *Garter*, who is the chief Lay-officer, whoſe Buſineſs is to marſhal the Solemnity at their Inſtallations and Feaſts, and an Uſher of the Garter.

Inſtallation of a Knight.

The Inſtallation of a Knight is or ought to be performed in the ſaid Chapel of St. *George* at *Windſor*, with great Pomp and Magnificence. And the Habit and Enſigns of this moſt noble Order of the Garter, are a Garter, Mantle, Sur-coat, Hood, *George* and Collar. The four firſt were ordained by the Founder of the Order; the two latter were added by King *Henry* VIII. And it was ordained by King *James* the Firſt, That the leſſer *George*, which hitherto had been worn daily before the Breaſt in a Gold Chain, ſhould, for the Conveniency of Riding or Action, be worn appendant at a blue Ribbon, ſpread over the left Shoulder, and brought under the Right Arm; as practiſed to this Day.

Device, &c. improved.

In the Reign of King *Charles* II. it was further ordained, that the Sovereign and Knights Companions, as alſo the Prelate and Chancellor, ſhould (at all Times, and in all Places and Aſſemblies, when they were not adorned with their Robes) wear upon the Left-ſide of their Coats, Cloaks, and riding Caſſocks, the Croſs of the Order encompaſſed with the Garter. And to the ſaid Croſs and Garter, King *Charles* added a Silver Star of eight Points.

The preſent Practice is to wear a large blue Ribbon, or *Garter* daily on the Left Leg: and another blue Ribbon over their Left-ſhoulder with St. *George's* Picture at the Bottom of it, enamelled upon Gold, and ſet with Diamonds: A Star, or as ſome call it, the Sun in its Glory on their Coats or Cloaks: and at ſolemn Feaſts and Occaſions, they wear a Sur-coat, Mantle, a high black velvet Cap, and a Collar of S. S. S, S. compoſed of Roſes enamelled red, within a Garter enamelled blue, with the Motto in Letters of Gold.

Poor Knights of Windſor.

By the Inſtitution of this College at *Windſor*, we alſo find a Foundation for the Maintenance of twenty-ſix poor military unmarried Men, who had ſerved their King and Country with their Swords, under the Character of the *poor Knights of* Windſor, whoſe Duty is to attend daily in the Chapel at Morning and Evening Prayers

Prayers, to join in Supplications and Prayers to the Almighty Lord of Hoſts, for the Health, Preſervation and Proſperity of the Sovereign and Companions of this moſt noble Order: And they alſo have their proper Aſſignments in the Ceremony of an Inſtallation.

The Form of an INSTALLATION *of a* KNIGHT *of the* GARTER.

Ceremony. The Commiſſioners appointed to inſtall the Knights-elect, being robed in the compleat Habit of the Order, meet in the great Chamber in the Dean of *Windſor*'s Lodgings, where the Officers of the Order attend in their Habits, and the Knights-elect come thither in their Under-habits, with their Caps and Feathers in their Hands.

When there is a Proctor, he comes in his ordinary Habit.

Such Knights as are not named in the Commiſſion, are not to be conducted in their full Habits to the Chapel, preceded by the poor Knights and Prebends in their Habits, and the Officers of Arms in their Coats, who enter the Choir with the uſual Reverences; and when ſuch Knights have taken their reſpective Stalls, the poor Knights and Prebends return and attend in the Cloyſter, and the Officers of Arms in the Dean's Hall.

Then the Proceſſion begins in the following Order.

Poor Knights, two and two:

Prebends, two and two.

Officers of Arms, two and two:

The Elect-Knights, two and two, having their Caps and Feathers in their Hands, the Juniors going firſt; and if the Number be odd, the Junior paſſeth alone.

The Officers of the Order in their Crimſon-ſattin Mantles, the Regiſter having on his Right-hand Garter King of Arms, carrying the Sovereign's Commiſſion and the Black Rod on his Left.

The Knights Commiſſioners two and two, covered with their black Caps and Feathers, the Juniors firſt;

And thus proceeding into the North Iſle of the Chapel, the Poor Knights make a Stand at a diſtance beyond the Chapter-houſe Door;

The

The Prebends do the ſame nearer to the Chapter-houſe Door.

The Officers of Arms next to the Chapter-houſe Door.

The Knight-elect retires to a Chair placed for that Purpoſe behind the Altar.

The Proctors (by a late Decree) are not to go in the Proceſſion, but retire privately to their Chairs at the Back of the Altar.

The three Officers of the Order enter into the Chapter-houſe: after them the Commiſſioners, who ſeat themſelves at the Sides of the Table, according to their Seniority and Form of the Stalls in the Chapel.

Garter, with Reverence, preſents the Commiſſion to the Senior Commiſſioner, who gives it to the Regiſter to read, which being done, he preſents the ſame to the Lords Commiſſioners, who re-deliver the ſame to the Regiſter to be entered.

Then Garter is ſent to conduct the Senior Knight, by Election, from his Chair to the Chapter-houſe Door, where he is received by the Commiſſioners; Garter then proceeding before them to that Part of the Table, where the Enſigns of the Knight-elect are placed.

Garter is then ſent to bring in all the other Knights-elect, or Proxies, according to their Seniority, who are all ſingly introduced and received in the ſame Manner.

Garter then preſents to the Lords Commiſſioners the Surcoat of the ſenior Knight-elect, who inveſt him therewith, the Regiſter reading the Admonition.

Take this Robes, &c.

Then the Garter preſents the Crimſon Velvet Girdle to the Lords Commiſſioners, who buckle it on over the Surcoat.

Then the Hanger and Sword, which they alſo gird on.

The ſame is repeated to all the Knights-elect in their Order, but the Proxies are not inveſted.

The Knights-elect continue in the Chapter-houſe while the Proceſſion is made to the Choir, and the Hatchments of the deceaſed Knights offered.

Proceedings to the Choir.

The poor Knights enter firſt, make their Reverences altogether in the Middle of the Choir, firſt to the Altar, then to the Sovereign's Stall, and proceed up as near as they

they can to the Rails of the Altar, placing themſelves below each other, on each Side.

The Prebends follow making the like Reverences, and ſtand all below the poor Knights, excepting two, who go to the Altar.

The Officers of Arms next enter, with the ſame Reverences, and ſtand below the Prebends on both Sides.

The Officers of the Order come next, in the ſame Manner, and ſtand before their own Seat or Form.

The Commiſſioners enter together, if they are Companions, make their Reverences, and ſtand under their Banners, before their reſpective Stalls; but if not Companions, the Junior enters firſt, and the other follows.

Offering Atchievements.

Garter goes into the middle of the Choir, where he makes his Reverences, and then repairs to the Place where he before had ordered the Hatchments to be laid on a Stool, and takes up the Banner, which he holds almoſt rolled up.

The Provincial Kings then meet, make their Reverences, and paſs down into the middle of the Choir, repairing to the Lords Commiſſioners, who thereon join, and receiving the Banner from Garter, make their Reverences towards the Altar, and then to the Sovereign's Stall; and being preceded by the two Kings of Arms, carry the ſame, the Point forward a little declining, to the firſt Step of the Altar, where they make the like Reverences, and from thence go to the Rails, where they make their Reverences only to the Altar, then (kneeling) deliver it to the two Prebends, who place it upright at the South End of the Altar; and then the Lords Commiſſioners having made the ſame Reverences as they did in their coming up, return to the former Place under their Banners, being waited on by the ſaid Kings of of Arms, who return to their former Station.

Then the two eldeſt Heralds in like Manner meet, make their Reverences, repairing to the Lords Commiſſioners, to whom Garter delivers the Sword, the Pomel or Hilt upwards, which is in like manner carried up and offered, and the Commiſſioners then return as before.

The two next Heralds then meet in the like Manner, and repair to the Lords Commiſſioners, to whom Garter delivers the Helmet and Creſt, which are offered in the ſame manner.

The

The Hatchments of each deceaſed Knight, are to be offered one by one after the other, in this Form:

The Knights then ſtanding under their reſpective Banners,

The poor Knights forthwith join, make their Reverences, and go out of the Choir two and two. Return to the Chapter-houſe.

The Prebends the ſame.

Then the Officers of Arms in like Manner.

The Officers of the Order the like.

The Commiſſioners, if Companions, together with the like Reverences, but if not Companions, the junior firſt goes out, and ſtays outſide the Choir Door, 'till the other Commiſſioner hath done the like; and then the Proceſſion is through the Iſle towards the Chapter-houſe: where the poor Knights make a ſtand, and divide themſelves on both Sides, at a diſtance from the Door.

The Prebends divide in like Manner next them.

The Officers of Arms in like Manner neareſt the Door.

The Officers of the Order enter the Chapter-houſe, before the Lords Commiſſioners.

Then the poor Knights, Prebends, and Officers of Arms, having ranged themſelves, the Proceſſion is again made into the Choir. Return, and Inſtallation.

The poor Knights paſs on into the Chapel, make their Reverences, and place themſelves on both Sides, as before, near the Altar.

The Prebends then enter with the ſame Reverences, and go to their reſpective Seats.

The Officers of Arms ſtand next below the poor Knights.

The Officers of the Order follow, Garter in the middle, carrying on a Cuſhion the Mantle, Hood, Great Collar, George, and Book of Statutes, having the Regiſter on his Right Hand, carrying the New Teſtament, and the Oath, fairly wrote on Parchment, and the Black Rod on his Left: They enter with the like Reverences, and proceed towards the Seat before, or below the Stall of the elect Knight, where Garter places the Cuſhion with the Enſigns on the Deſk; and the Officers of the Order ſtand below in the Choir.

The Commiſſioners having between them the Knight elect, carrying his Cap in his Hand, enter making the like

like Reverences together, and then theſe go into the Seat below, or under the Knight's Stall, the ſenior Commiſſioners entering firſt.

If three Commiſſioners, the two Seniors conduct the Knight, and the Junior goes before them.

Then one of the Officers of the Order holding the New Teſtament open, the Knight-elect lays his Right Hand thereon, and the Regiſter having read the Oath to him, he kiſſes the Book.

About this Time, two Prebends are to be conducted to the Altar by the Verger, to officiate.

The Commiſſioners and Knight-elect come out of that Under-Seat, and the ſenior Knight enters the appointed Stall of the Knight-elect, who follows him, and then the other Commiſſioner enters alſo.

Then the Regiſter and Garter enter into the Under-Seat, the Black Rod continuing in his former Place, where Garter preſents to the Commiſſioners the Mantle, who inveſt the Knight therewith; the Regiſter, during that time, reading the Admonition.

Receive this Robe, &c.

Garter then preſents the Hood to the Commiſſioners, who put it over the Knight's Right Shoulder, bringing the Tippets athwart his Breaſt, and tucking them under the Belt.

Then Garter preſents to them the Great Collar and George, which they faſten over the Mantle and Hood upon the Knight's Shoulders, whilſt the Regiſter reads the Admonition.

Wear this Collar, &c.

Garter then preſents the Statute-book, which the Commiſſioners deliver to the Knight, and the Commiſſioners then place the Cap and Feathers on his Head, and ſeat him in his Stall; whereon the Officers of the Order retire with the uſual Reverences and ſtand before their Seats.

The Knight being thus inſtalled, riſes up, makes his Reverences, firſt towards the Altar, then to the Sovereign's Stall; and then the Commiſſioners, embracing him, congratulate him, and deſcend.

The Commiſſioners being come down into the middle of the Choir, make their Reverences: And if no more are to be inſtalled, the junior Knight ſtands in the Choir before

before his Stall, 'till the Senior aſcends his Stall, when the other alſo takes his Stall, and both make their Reverences, as ſoon as they are in them.

The Officers of the Order then make their Reverences, and ſit in their Seats.

The Officers of Arms in a Body, the Kings firſt, do the like, and come down towards the Sovereign's Stall, placing themſelves on both Sides.

Laſtly, The poor Knights do the ſame, and retire towards their Seats.

If any other Knight is to be inſtalled, the Commiſſioners deſcend in the former Manner, and ſtand under their Banners; and then the poor Knights join, make their Reverences, and go out two and two, [the Prebends continuing in their Seats] then the Officers of Arms do the ſame; then the Officers of the Order, in like manner; then the Commiſſioners (if Companions together) otherwiſe the Junior firſt, and go to the Chapter-houſe as before, and from thence introduce the other Knight-elect, and inſtall him in the former Manner.

[*But in Caſe the ſame be done by Proxy, He enters bareheaded between the Commiſſioners, and is conducted as above, to the Seat under the Stall of his Principal, where the Regiſter gives him the Oath; and then he is in the former Method led into the Stall, where the Commiſſioners put the Mantle over his left Shoulder, or Arm, in ſuch manner as the Croſs, embroidered within the Garter, may be ſeen; and then the Commiſſioners ſeat him in the Stall, who forthwith riſes up, makes his Reverences to the Altar, and to the Sovereign's Stall; and then the Commiſſioners embrace him, and congratulate him in the Name of his Principal; and then the Officers of the Order, and the Commiſſioners retire as is aboveſaid, and the Proxy afterwards ſtands up, or leans on the Cuſhion, holding the Mantle in the Form abovementioned.*]

When theſe Words in the Prayers are pronounced, *Let your Light ſo ſhine*, &c. Offering.

The poor Knights forthwith come from their Seats, join, make their Reverences, and paſs up near to the Altar, where they place themſelves as before.

So the Officers of Arms, the Purſuivants firſt.

Garter then riſes from his Seat, repairs to the middle of the Choir, there makes his Reverences, and coming before the Stalls of the junior Knights, ſummons them,

if they are Pairs, or Companions, to deſcend together, who having made their Reverences in their Stalls, come down into the Choir, where meeting, they again make their Reverences together, and go under their Banners; and then all the other Knights and Proxies are ſummoned, who deſcend in like manner; but if any Knight or Proctor wants his Companion, he deſcends ſingle.

The Knights and Proxies all thus ſtanding under their Banners, Garter making his Reverences, repairs to his Seat; and the Provincial Kings of Arms meet and make their Reverences, and repair to the ſenior Knight, or Knights, if Pairs, who go from under their Banners, make their Reverences, and being preceded by theſe Kings of Arms, paſs up to the firſt Step of the Altar, where they again make their uſual Reverences; and coming to the Rails, make only Reverence towards the Altar, and, kneeling down, offer Gold and Silver into the Baſon held by two of the Prebends.

Then they make again their Reverences to the Altar only, and at their Return on the loweſt Step to the Altar and to the Sovereign's Stall; and thence are conducted into the Stalls of the junior Knights on their reſpective Side, where, being aſcended, they again make their Reverences, and then paſs on through the Stalls to their own, where they do the ſame, and then ſit down.

The two eldeſt Heralds then go down in the like manner, and conduct the next Knight or Knights who offer, and return to their Stalls in like manner; and the ſame is repeated 'till all the Knights have offered: This Rule being conſtantly to be obſerved, That if any Knight hath not his Companion, he offers ſingly by himſelf.

After the Offering, the Officers of Arms make their Reverences in a Body, and ſtand in their former Places near the Sovereign's Stall.

The poor Knights retire to their Seats.

Prayers ended. The Prebends at the Altar continue on the Prayers, which being ended, they are are conducted by the Verger to their Seats, having made their Reverences..

The Officers of the Order then move from their Seats, make their Reverences, ſtanding before it.

Garter

Garter leaves them, and going into the middle of the Choir, makes his Obeiſances, goes up to the Stalls of the junior Knights, if Companions, ſummoning them to deſcend; who, having made their Reverences, come down, and meeting below, make their Reverences together, and then retire under their Banners.

The ſame is repeated to, and by all the Knights and Proxies: But ſo as Companions deſcend together, tho' otherwiſe, ſingle.

All the Knights and Proxies being thus under their Banners, the poor Knights join, go down, and make their Reverences in the middle of the Choir, and go out of the ſame. Proceſſion to the Caſtle.

Then the Prebends do the like.

The Officers of Arms the ſame.

Then the Officers of the Order the like.

Then the junior Knights go firſt in the like manner, and the reſt of the Knights in their Order, either ſingle, or with their Companions.

[*It is to be obſerved, that the Proxy goes in the Place of the Principal, carrying the Mantle in the manner abovementioned, but at the Door of the Chapter, the Sexton receives the Mantle from him, and he goes no farther in the Proceſſion.*

Theſe Proceſſions have been to different Places, and in different Ways and Forms, according to the Weather, and the Place where the Dinner is to be.]

It hath of late been through the middle Iſle down to the Weſt Gate of the Chapel, and ſo up through the South Iſle, and out of the South Door, and then on to the upper Caſtle, between the Caſtle Wall and the *Keep*, and ſo into the Lodgings, the Drums and Trumpets going before; in which the Officers of the Order, after they come out of the Church, are to be covered, as at other Times, when neither the Sovereign, or his Lieutenant, repreſenting his Perſon, are preſent; in which Caſes they proceed in another Place.

The Drums and Trumpets ſtay at the Foot of the Stairs going up to the Guard Chamber, but the poor Knights go into that Chamber, and there ſtand off on both Sides for the Proceſſion to paſs between them; the Prebends do the like: The Officers of Arms go into the Preſence-Chamber, and there place themſelves in the

like manner, the Purſuivants next the Door. In which Place the Officers of the Order are uncovered.

Dinner. If the Knights dine in their Robes or Surcoats, Garter, with the Officers of Arms following him, at the ſecond Courſe, proceeds from the lower End of the Room, to the Place where the then inſtalled Knight ſits, who ſtands up uncovered, when Garter pronounces *Largeſſe*, and then proclaims the Knight's Style, either in *French* or *Engliſh*, and then all the Officers of Arms cry *Largeſſe*, and making their Obeiſances, retire.

Knights of the Bath. King *Richard* the *Second* did alſo inſtitute an Order of Knighthood, by the Name and Stile of *Knights of the Bath*. Their firſt limited Number were no more than *four*, with this Motto, *Tres in uno*, or, *Three in one*, ſignifying, as it has been interpreted, the three theological Virtues, *Faith*, *Hope*, and *Charity*: But it may with more probability and hiſtorical Application be ſuppoſed to mean that the *three Knights* ſhould always be obedient and act according to the Will of their *Sovereign*; who is therein intended by *uno* or *one*. And theſe Knights, in token of their Purity from all Crime of Treachery and Treaſon, which, in that Reign, was practiſed againſt the King, 'till he was dethroned, impriſoned and murdered, they bathed themſelves before their Admiſſion into the Companionſhip. After which Ceremony, they were clothed with a *Golden Spur*; took an Oath of Fidelity to their Sovereign Lord the King, and were diſtinguiſhed by a broad red Ribbon from the Right Shoulder to the Left-ſide, Belt-wiſe, and a Silver Star upon their Coat-Breaſt. King *Henry* IV. his Succeſſor, though he depoſed *Richard*, and robbed him of his Crown and Life, took up this new military Inſtitution, with this Alteration, that, inſtead of *four*, he increaſed the Number to *forty-ſix*.

Revived. However we find no mention of this Companionſhip for many Reigns: ſo that it was totally neglected and extinct, till revived in the Beginning of this Century by King *George* I. who, by a natural and pertinent Tranſition of the Motto to *Tria juncta in uno*, made it a Device to convey to Poſterity his Right unto, and Sovereignty over the three Kingdoms of *England*, *Scotland*, and *Ireland*.

In

In this Revival of the military Order of the *Knights of the Bath*, many Ceremonies, *&c.* were added agreeable to the Cuſtoms of the preſent Age: So that at preſent the Knights are robed, when in full Dreſs, after this Manner. They wear a Sur-coat of red, lined and egded with white, girded about with a white Girdle, and their Mantles are of the ſame Colour, and lined with white, made faſt about the Neck with a white Silk Lace; in which are tied a Pair of white Gloves, with Taſſels of Silk and Gold at the End, and on the Left Shoulder of the Mantle is the Enſign of the Order, being *three Imperial* Crowns, ſurrounded by the Motto *Tria juncta in uno*, wrought upon a Circle of *Gules*, with a Glory of Rays, called a Star, iſſuing from the Center, and under it is the Lace of white Silk, hitherto worn by the Knights of the *Bath*. On their Head they wear a white Hat, adorned with a Plume of white Feathers, a Sword by their Side, and a broad red Ribbon, Belt-wiſe. Ceremonies.

This Order conſiſts of a Great Maſter, who is the Sovereign; a Dean, who is the Biſhop of *Rocheſter*, a Regiſter, a Secretary, Gentleman Uſher, Genealogiſt, Garter King at Arms, and *Bath* King of Arms, and other inferior Officers and Knights without certain Number. And the Place of Inauguration is in *Henry* VII's Chapel in *Weſtminſter-Abbey*. Officers, &c.

When the Dean delivers the Sword to a Knight, he gives the following Admonition, "I exhort and admoniſh you to uſe your Sword to the Glory of God, the Defence of the Goſpel, the Maintenance of your Sovereign's Right and Honour, and of all Equity and Juſtice, to the utmoſt of your Power." And at the Out-ſide of the Weſt Door of the Abbey, as the Proceſſion returns from Chapel, the Sovereign's Maſter-Cook, having on a Linen Apron, ſays to each of the new inſtalled Knights ſeverally, "Sir, you know what great Oath you have taken: which if you keep, it will be great Honour to you: But if you break it, I ſhall be compelled, by my Office, to rack off your Spurs from your Heels." The preſent Intention of this Order is to celebrate the Coronation of our Kings, or the Inauguration of a Prince of *Wales*, or of a Duke of *York*, with greater Magnificence of the *Bath*, and to diſtinguiſh ſuch on thoſe ſolemn Occaſions, as have deInauguration. Its preſent Intention.

ſerved well of their King and Country, as well Gentry, as Nobles.

Knights Banneret.

Banneret is an ancient Order of Knighthood, and was originally a Title aſſumed by feudal Lords, who poſſeſſing ſeveral large Fees, led their Vaſſals to battle under their own Flag, when ſummoned thereto by the King. But, as thoſe feudal Lords became extinct, this Knighthood became a military Reward, for heroic Atchievements of the Gentry, on the Field of Battle, which is the Place of Creation, or Inauguration, performed after this Manner. On the Day of Battle, the Candidate preſents a Flag to the King or General, who, cutting off the Train or Skirt thereof, and making it ſquare, returns it again, which is the proper Banner of Bannerets. This intitles him to be honoured with *Sir:* but neither that Honour, nor either of the two foregoing Knighthoods do deſcend to Poſterity.

Knights Baronets.

The Order of Knights *Baronets* was inſtituted by King *James* I. on the 22d of *May*, 1611. under a Pretence to raiſe a large Sum of Money, for propagating a Plantation in the Province of *Ulſter* in *Ireland*. The Condition was for each Knight to maintain thirty Foot Soldiers, for three Years, at the Rate of eight-pence a Day; the Wages for the firſt Year to be paid, at a Lump, into the Exchequer, upon paſſing their Patents; which, with the Fees of Honour, amounted to near 1200l. a Man, in all 200, and raiſed 240,000l.

An inferior Nobility.

The Bait was a Pretence to create a lower or inferior Nobility, with an Honour of Title to paſs by Deſcent to Male Heirs; the Knight to be dignified with *Sir*, a Baronet, and his Wife with the Title of *Lady*. And this is the only patent Honour that paſſes by Deſcent, amongſt the Commons of this Kingdom; which was, at firſt, limited to the Number *two hundred*; but is not at this Time under any Limitation, and to be acquired by any one with a ſufficient Court Intereſt, paying the accuſtomed Fees. Though, according to the Inſtitution, all who are of this Order, ought to be Men of good Reputation, to be deſcended (at leaſt) of a Grand-father, by the Father's Side, who bore Arms, and to have a certain yearly Revenue of 1000l. Conditions, which had they from the Beginning been ſtrictly adhered to, and Care had been originally taken to annex the 1000l. Revenue

to

to the Title, we ſhould not have ſeen ſo many Knighthoods purchaſed with the Wages of Iniquity, nor ſo many Baronets, at this Day, whoſe Anceſtors have left them nothing to enjoy, but an empty Title, which they are aſhamed to aſſume in their reduced State of Life.

In all Writs and Commiſſions, *&c.* they are ſtiled *Baronets*, and by a peculiar Clauſe in their Patents, the Title of *Sir*, is to preceed their *Chriſtian* Name in all mentionings thereof, though they be not dubbed Knights: And their Wives have the Title of *Lady* and *Madam*, and take Place according to the Precedency of their Huſbands, who rank according to the Priority of the Date of their reſpective Patents, among themſelves; and their Place on all public and ſolemn Occaſions, is next under a Baron of Parliament, except Knights of the Garter, Bannerets, and Knights who are Privy Councellors. Precedency.

As theſe Knights are not in Companionſhip, there is no Ceremonial ſettled for their Creation; which is always done by Patent. And their diſtinguiſhing Badge is the Arms of *Ulſter*, that is, Argent a Siniſter Hand coup'd at the Wriſt, which they may bear in a Cantor or an Eſcutcheon, as they chuſe. Arms.

They are allowed ſome particular Solemnities for their Funerals, and to be buried with the ſeveral Tokens of Chivalry, ſuch as Spurs, Sword, Gauntlet, &c. And in point of Precedency, the eldeſt Son, and his Wife, and the eldeſt Daughter of a Baronet, are to take Place of the eldeſt Son and his Wife, and the eldeſt Daughter of all Knights, of what Degree or Order ſoever, and the ſame to be obſerved in regard to their youngeſt Sons and Daughters.

The loweſt Degree of Knighthood is that commonly called the *Knight Batchelor*, and ſo diſtinguiſhed by King *Henry* III. in the Year 1240, the Ceremony of whoſe Creation is not ſo much as a Patent; but only a kneeling down before the Sovereign, who, with a drawn Sword, lightly touches him, ſo preſented, on the Right Shoulder, and pronounces, *Sis Eques in Nomine Dei*, i. e. *Be thou a Knight in the Name of God*, he adds, *Riſe, Sir, a Knight.* It is well this *Honour* does not deſcend to Poſterity: And it is pity that the Courteſy of *England* indulges their Wives with the Title of *Lady*, unleſs more circumſpection were taken to prevent Majeſty being im- Knights Batchelor.

poſed upon by improper Objects; many of whom have been not only illiterate, but mean Mechanicks. Yet theſe Knights are indulged with ſeveral funeral Rites, and their eldeſt Sons are *Eſquires* by Birth.

The Civil Law allows, or knows of, no Dignity beneath the Degree of a *Knight*, (all the Reſt going under the Name of People) yet there are thoſe, who have Names of Preheminence above the meaner Sort, and with us are called *Eſquires*.

Several Sorts of Eſquires.

The *Eſquire*, or *Scuyer*, or the Latin *Armiger*, takes his Name originally from the Office of bearing a Shield, as an Attendant upon a Knight, of which there are ſeveral Sorts.

Firſt.

There is a 'Squire created by Patent; by which it becomes a Title of Honour deſcending to the eldeſt Son. The firſt Creation of this Sort was in the Perſon of *John de Kingſton*, who was ſo made by King *Richard* II. and inveſted with a Silver Collar of *Eſſes*, and all that are thus made, are named from their Place of Reſidence, as *John Hawkſworth*, of *Ribble*, in the County of *York*, Eſq;

Second.

The ſecond Sort are thoſe who are of the Body to the King. They alſo have their Title by Creation. At which Time they are inveſted with a Collar of *Eſſes*, a Pair of Silver Spurs, *&c.* Their peculiar Duty is to attend the King's Perſon: which intitles them to take Place of the eldeſt Sons of Knights, and of the Maſter of the Jewel Office, and of all the Judges and Serjeants of the Law. But their Honour does not deſcend to their Heirs.

Third.

The third Sort are the eldeſt Sons of Viſcounts, and Barons, and the youngeſt Sons of all Noblemen, the Sons of Baronets, and the eldeſt Sons of Knights Batchelors. All theſe are Eſquires by Birth.

Fourth.

The fourth Sort includes all thoſe who enjoy a ſuperior public Office in the Commonwealth, as Serjeants at Law; the Officers of the King's Courts, and of his Houſhold, Sheriffs of Counties, Juſtices of the Peace. But this Honour deſcends not to their Sons, neither does it continue always during their own Lives (except the Sheriff) for, if they, who are Eſquires by Office only, looſe their Office, they looſe their Title alſo.

There

There is a fifth Sort who are called Eſquires by Repu- Fifth.
tation. Such as Counſellors at Law, Commiſſioners of the Land-Tax, and ſuch as common Voice dub with the Name of Eſquire, on account of their ſuperior Fortune, or Eſtate. Which always continues with their Poſterity ſo long as they maintain the Poſt, and keep the Eſtate of their Anceſtors.

Gentlemen is the next Rank of the People below the Gentle-
Eſquire. Under this Diſtinction are compriſed all above men.
Yeomen and Artificers: And this Denomination ſignifies a Man well born: and, therefore, none were admitted to this Diſtinction formerly, but ſuch as were born of genteel Parents, or had deſerved, by *Merit* in Peace or War, to bear Arms.

The Addreſs to a Gentleman is *Mr.* and he is allowed to write himſelf *Gentleman*; and he is ſo ſtiled in all Commiſſions, Deeds, Writs, *&c.* But in theſe latter Times he is generally a Gentleman, who is ſo reputed; for, whoever ſtudies or practices the Law, has had univerſity Education, profeſſes the liberal Sciences, can live without manual Labour, or interfering in any mechanical Employment, or ſerves his Majeſty in the Revenue, or in the Army is called *Mr.* and may write himſelf *Gentleman.*

A Gentleman born, does not looſe his Gentility by being bound Apprentice to a Merchant, or other Trade; neither can he be compelled to ſerve in Huſbandry by the 5th *Eliz.*

Yeomen, the firſt and ſuperior Diſtinction of the Ple- Yeoman-
beians beneath the Rank of Gentleman, includes all ry.
Freeholders, or thoſe who poſſeſs Lands of Inheritance of forty Shillings a Year and upwards. Their Appellation is of *Saxon* Derivation, *Zemen*, which ſignifies *Common*; who, in ancient Time, had, of their own, the yearly Value of five Nobles (being a Carn or Ploughland) and of thoſe Men, who were famous for Archery and manly Proweſs, were compoſed the Infantry, which ſo often beat the *French*, and repulſed the *Scots*. And our Forefathers in the Legiſlation, conceived ſo great an Opinion of their Wiſdom and integrity, That they entruſted them with the grand Privileges of chuſing Knights of the Shire in their reſpective Counties, and to ſerve on Juries, to determine on the Property, Liberty and Life of their Fellow-Subjects. And they are exempt from be-

ing impreſſed to ſerve as Soldiers or Sailors in the Wars by Sea and Land.

Huſbandmen, Farmers, &c.

Under this Diſtinction of the People, we may properly reduce *Huſbandmen*, or *Farmers*, and *Graziers*. The Huſbandman or Farmer occupies Land, either in his own Right, or by Leaſe for Life, or Years, and cultivates the ſame, with Hay, Corn, *&c.* for the Uſe of Man and Beaſt. The *Grazier* alſo occupies Land; but confines his Huſbandry, and the produce of his Land, to the raiſing and preparing all Sorts of Beaſts, and Cattle for the Uſe of Man. In both which Claſſes of Plebeians we have Men of as much Property, as moſt of the *Gentry*, and who live in as elegant a Manner; content with the honeſt Name of the *Golden Farmers* of ſuch a Place.

Merchants.

Next to the *Landed-Intereſt* we are to inſpect the *money'd Men*. Theſe are our *Merchants*. In whom we have another Rank of Men, that live like Princes, and whoſe Abilities and Adventures are the chief Support of the Nation in every State and Condition. Eſtates got by Merchandize, have, perhaps, been far more numerous, than thoſe got by any other way whatever; and become the Baſis of many noble and of our ancient noble Families.

The Community, where they are eſtabliſhed, always flouriſhes moſt: and their grateful Attachment to the Government, under which they are protected and encouraged, has often been the Saving and Redeeming of a Nation. Many are the Inſtances, both in our own and foreign Countries, to prove this Aſſertion. But we need refer no further than to the eminent Services done by the Merchants to the *Britiſh* Empire; who by their Support of *public Credit*, in the Year 1745, defeated every Engine, then at work by our Enemies, and falſe Friends to dethrone the Houſe of *Hanover*, and to impoſe upon this Nation a *Popiſh* Prince; and to introduce Popery and arbitrary Power.

Advantage to a Nation.

Merchants are in a great Meaſure the daily and perpetual Support of all trading Countries. For, conſidering the preſent Circumſtances of Nations, thoſe, which by their Situation are obliged to ſubſiſt chiefly by themſelves, and without any Intercourſe of Commerce with others, can never be able to maintain ſo great a Share of Power, as others, which carry on an extenſive foreign Traffic. Domeſtic Trade, which only ſhifts Property from

from Hand to Hand, cannot increaſe the Riches and Power of a Nation: whereas, foreign Trade, well regulated, bringing in a conſtant Balance of Treaſure in Favour of a Country, will proportionably augment its Weight of Intereſt, and at length give it the Balance of Power.

Therefore, as *Great Britain* is ſituate among Nations, earneſtly intent upon cultivating Commerce and Navigation, to the utmoſt of their Skill and Power; ſhe muſt ſoon become a Prey to thoſe neigbouring Rivals, was ſhe deſtitute of a Race of ingenious and well accompliſhed Merchants. For, as theſe are the only Source of her maritime Strength, *Great Britain* could not long continue, but by the means of her Merchants, that happy independent Empire, ſhe is at preſent under a wiſe and upright Adminiſtration. "It is foreign "Trade (ſays *Molloy**) that is the main ſheet An- "chor of us Iſlanders: without which the Genius of "all our uſeful Studies (and the which renders Men "famous and renowned) would make them uſeleſs and "inſignificant to the Public. When Man has fathomed "the Bottom of all Knowledge, what is it, if not re- "duced to Practice, other than empty Notion? † If "the Inhabitants of this Iſland were learned in all the "Languages between the riſing and ſetting of the Sun, "did know and underſtand the Situation of all Places, "Ports and Countries, and the Nature of all Merchan- "dize and Commodities, were acquainted with the "Order and Motion of all the Stars, knew how to "take the Latitude and Longitude, and were perfect- "ly read in the Art of Navigation, this Knowledge "would avail them nothing, except reduced by them "to Practice in a foreign Trade. We ſhould have no "Ships to navigate to thoſe Countries, nor occaſion to

* De Jure maritimo & navali.

† Every Step that is made in the Progreſs of Knowledge, whether it proceed from Reading, Obſervation or Experience, ought to be applied to the Affairs and Tranſactions of Life: for this, in Truth, is the only Uſe of all Kinds of Study: which without it becomes not only uſeleſs, but a troubleſome Sort of Pedantry, more calculated to interrupt and confound, than to ſerve and promote a true Genius. *See* Eſſay on the Education of a Nobleman, printed 1736.

"make

" make Uſe of thoſe Languages, nor to uſe thoſe Com-
" modities. What would this Iſland be, but a Place of
" Confinement to the Inhabitants, who, without it, could
" be but a kind of Hermits, as being ſeparated from the
" Reſt of the World. It is foreign Trade, that ren-
" ders us *rich*, *honourable* and *great*; that gives us a
" Name and Eſteem in the World; that makes us
" Maſters of the Treaſures of other Nations and Coun-
" tries, and begets and maintains our Ships and Seamen,
" the Walls and Bulwarks of our Country. And were
" it not for foreign Trade, what would become of the
" Revenue for Cuſtoms? And what would the Rents
" of our Lands be? The Cuſtoms would totally fail;
" and our Gentlemens' Rents of Thouſands *per Annum*,
" would dwindle into Hundreds." Which is conſonant to the Obſervation made by Lord Chancellor *Bacon*, who ſays, That *Merchants and Traders, are in a State, what the blood is to the Body:* conſequently we have Reaſon to affirm, That the Abilities and Ingenuity of Merchants in the Community is of the laſt Importance to the whole *Britiſh* Empire.

The Premiſſes alſo conveys a natural Idea of Dignity, which is inſeparably annexed to the Character of the Merchant; he being a principal Party in the Security and Preſervation of the Kingdom, as well as in its conſtant Support: And if we attend to Biſhop *Sprat*'s Hiſtory of the Royal Society, we are there told, " That
" Traffic and Commerce have given Mankind a higher
" Degree than any Title of Nobility, even that of Civility
" and Humanity itſelf." Therefore it is no wonder to ſee ſo many young Branches of the Nobility incorporating themſelves continually with the Body of Merchants, in every Trade and Factory.

Under Merchants we are to rank Manufacturers or Artificers in every Branch, and Mariners; with all Tradeſmen concerned in Ship-building and Ship-ſtores.

Artificers. The Statutes made by Parliament for the effectual puniſhing of Perſons convicted of ſeducing Artificers out of this Kingdom, explain the public Utility of this Branch of the People, it being made Law, " That if at
" any Time after the 24th of *June*, 1750, any Perſon
" or Perſons ſhall contract with, entice, perſuade, or
" endeavour to perſuade, ſollicit, or ſeduce any Manu-
" facturer

" facturer or Artificer of or in Wool, Mohair, Cot-
" ton or Silk, or any of the ſaid Materials mixed one
" with another, or of, or in Iron, Steel, Braſs, or any
" other Metal, or any Clock-maker, Watch-maker, or
" any other Manufacturer, Workman or Artificer, of
" or in any other of the Manufactures of *Great Britain*
" or *Ireland*, of what Nature or Kind ſoever, to go out
" of this Kingdom, or out of the Kingdom of *Ireland*
" into any foreign Country, not within the Dominions
" of, or belonging to, the Crown of *Great Britain*, and
" ſhall be lawfully convicted thereof, *&c.* The Perſon
" or Perſons ſo convicted ſhall, for every Artificer,
" Workman or Manufacturer, ſo by him, her, or them
" reſpectively contracted with, enticed, perſuaded, ſol-
" licited, or ſeduced, ſeverally forfeit the Sum of five hun-
" dred Pounds, and ſhall ſuffer Impriſonment for twelve
" Calendar Months without bail or Main Prize; and until
" ſuch Forfeiture ſhall be paid."

Theſe Manufacturers or Artificers are divided into Maſters, Journeymen, Apprentices and Servants, in their ſeveral Callings, and Employments.

To go through the ſeveral Claſſes of *Tradeſmen* does not enter into the Plan of this Work. It will be ſufficient to inform the Reader, That the Tradeſmen and Labourers make up the Groſs of the People. And referring the State of the Soldiery to another Place, let us cloſe this Head with an Alphabetical Liſt of thoſe *Trades*, and *Callings*, which are now followed within this Realm.

Apothecaries,
Appraiſers,
Armourers,
Attorneys,
Back-makers,
Bakers,
Barbers,
Baſket-makers,
Bellows Makers,
Bird-cage-makers,
Black-ſmiths,
Block-makers,
Blue-makers,
Boat-builders,
Bodice-makers,
Book-binders,
Book-ſellers,
Bowyers,
Box-makers,
Braſiers
Breeches-makers,
Brewers,
Brick-layers,
Brick-makers,
Broiderers,
Brokers,
Broom-makers,
Bruſh-makers,

Buckle-

Buckle-makers,
Buckram-ſtiffners,
Butchers,
Button-mould-makers,
Button-makers,
Button-ſellers,
Cabinet-makers,
Calenders,
Cap-makers,
Card-makers,
Carmen,
Carpenters,
Carvers,
Chain-makers,
Chair-makers,
Chandlers,
Cheeſe-mongers,
Chemiſts,
Chimney-ſweepers,
China-men,
Chocolate-makers,
Clock-makers,
Cloth-workers,
Coach-makers,
Coal-crimps,
Coffee-men,
Coffin-makers,
Collar-makers,
Colour-men,
Comb-makers,
Confectioners,
Cooks,
Coopers,
Copper-ſmiths,
Cord-wainers,
Curriers,
Cutlers,
Diſtillers,
Drapers,
Druggiſts,
Dyers,
Enamellers,
Engine-makers,
Engravers,
Factors,
Fan-makers,
Farriers,
Fell-mongers,
Felt-makers,
Fine-drawers,
Fiſh-hook and Tackle-makers,
Fiſhermen,
Fiſh-mongers,
Flax-dreſſers,
Fletchers,
Founders,
Frame-makers,
Frame-work-knitters,
Fruiterers,
Fullers,
Gardeners,
Gilders,
Girdlers,
Glaziers,
Glaſs-blowers,
Glaſs-grinders,
Glaſs-ſellers,
Glovers,
Gold-beaters,
Gold-ſmiths,
Gold and Silver Wire-drawers,
Grocers,
Gun-ſmiths,
Gun-ſtock-makers,
Haberdaſhers of ſmall-wares,
Hair-curlers,
Hair-ſellers,
Hat-band-makers,
Hoop-petticoat-makers,
Horners,
Horſe-milliners,
Hoſiers,
Hot-preſſers,
Hour-glaſs-makers,
Jewellers,

Jewellers,
Inholders,
Joiners,
Iron-mongers,
Lace-men,
Laſt-makers,
Leather-cutters,
Leather-dreſſers,
Leather-ſellers,
Lighter-builders,
Loom-makers,
Loriners,
Mantua-makers,
Maſons,
Maſt-makers,
Mathematical Inſtrument-makers,
Meal-men
Mercers,
Merchants,
Merchant-taylors,
Millers,
Milliners,
Mill-wrights,
Muſical-Inſtrument-makers
Muſicians,
Needle-makers,
Net-makers,
Oil-men,
Packers,
Packthread-ſpinners,
Painters,
Paper-makers,
Parchment and Vellom-makers,
Patten-makers,
Patten-drawers,
Paviours,
Pawn-brokers,
Perfumers,
Pewterers,
Pin-makers,
Pipe-makers,
Plane-makers,
Plaiſterers,
Plumbers,
Potters,
Poulterers,
Printers,
Print-ſellers,
Pump-makers,
Quilters,
Refiners,
Robe-makers,
Rope-makers,
Sadlers,
Sail-makers,
Saleſmen,
Salters,
Sawyers,
Scale-makers,
Scriveners.
Setters,
Ship-wrights,
Silk-men,
Silk-throwſters,
Skinners,
Skreen-makers,
Snuff-makers,
Snuff-box-makers,
Soap-makers,
Spectacle-makers,
Staplers,
Starch-makers,
Stationers,
Stay-makers,
Stocking-men,
Stuff-men,
Sugar-bakers,
Surgeons,
Tallow-chandlers,
Tanners,
Taylors,
Tea-dealers,
Thread-men,
Throwſters,

Tin-

Tin-plate-workers,
Tobacconiſts,
Toy-men,
Trunk-makers,
Turners,
Vinegar-makers,
Vintners,
Undertakers,
Upholders,
Water-men,
Wax-chandlers,
Weavers in ſeveral Branches,
Whalebone-men,
Wheel-wrights,
Whip-makers,
Wood-mongers,
Wool-combers,
Wool-men or Staplers,
Worſted-men and Stocking-ſellers,

Labourers. As to labouring Men, they are divided into menial Servants, and Day-labourers in any laborious Work, eſpecially in Buildings of Brick and Stone, and in Huſbandry to hedge, ditch, plough, harrow, manure, *&c.* From which Claſs, and the Apprentices and Journeymen of Artificers and Tradeſmen, our Fleets and Armies are recruited with Seamen and Soldiers.

From theſe ſeveral Ranks, States and Conditions of the Laity ariſe *two* diſtinct *Eſtabliſhments* of public Safety to this Nation by *Sea* and *Land*, viz. the *Navy* and the *Army*.

Mariners. The Importance of the *Mariners* to the Nation in general, and to Trade in particular, is too well known to need any Illuſtration. * It will be ſufficient to obſerve, That they are the Strength of our Nation by Sea, the Carriers of our Commodities, and the Bringers of our Wealth; without whom, neither the moſt numerous and ſtrongeſt Fleets of Ships of War, nor the greateſt Abilities and Induſtry of our Merchants and Manufacturers could avail us.

This valuable Claſs of the People conſiſts of Admirals, Vice Admirals, Commodores, Captains, Lieutenants, Maſters, Surgeons, Gunners, Carpenters, Boatſwains, Midſhipmen, *&c.* and Seamen in the Royal Navy: and of Maſters, commonly called Captains, Mates, Pilots and Seamen, or Mariners in the Merchants Service.

The Nation is ſo ſenſible of the Value of Seamen or Mariners, That the Legiſlature have founded and endowed the fineſt Hoſpital in the known World for the Maintenance of aged or diſabled Seamen in the King's Service. And as there was no Proviſion made for ſuch Seamen in the Merchants Service, as are diſabled by accidental Misfortunes, or for thoſe worn out by Age, or for

* See Page 106.

the

the Widows or Children of ſuch, as may be killed or drowned in the ſaid Service; and the Seamen in the ſaid Service being willing to allow Six-pence per Month out of their Wages, to be applied for the Relief of ſuch, as ſhall be diſabled or worn out by Age, and of the Widows and Children of thoſe killed in the ſaid Service, an Act has paſſed conſtituting certain Merchants a Body politic and corporate, to receive and enjoy in Truſt, all ſuch Sums of Money, as are granted, and ſhall be raiſed by Virtue of this Act, or ſhall be contributed or bequeathed by well-diſpoſed Perſons, and to build an Hoſpital for the Help and Relief of Seamen, their Widows and Children: whoſe Office is kept in the Royal Exchange at *London*.

Of the ROYAL NAVY.

THE well-being of *Great Britain*, as an independent Empire, and a free People, depends principally upon the Strength and wiſe Regulation of its *maritime Strength*. It is not the empty Title, which the Kings of *England* have always aſſumed of being ſupreme Lords and Governors of the Ocean ſurrounding the *Britiſh* Shore, which gives them a Right thereto; but it is that Right which they have conſtantly maintained, at the Expence of numerous Fleets. And they have been always ſo jealous of their Neighbours making Uſe of any Pretext to increaſe their naval Strength, that it has been judged to be of the greateſt national Importance, to fruſtrate ſuch Deſigns, even at the Riſque of a War. But where have we ſuch an Inſtance of Wiſdom and Reſolution, worthy of a Sovereign, who claims the Dominion of the Seas, as in Queen *Elizabeth*, who ſent to the *French* King, and inſiſted that he ſhould build no more Men of War, than what he then had, without her Leave firſt obtained.

The Neceſſity of keeping a reſpectable Navy.

The Reaſon of this Policy, and the Neceſſity of a ſtrong naval Force, in theſe Kingdoms, are collected from our Situation and Commerce. For Providence has ſo diſpoſed, that, without the Benefit of Navigation, we

Why.

ſhould

ſhould not only loſe the unſpeakable Advantage accruing from the Exportation of our Manufactures and other Merchandizes, of the Growth and Produce of theſe Kingdoms; but we ſhould alſo be utterly deprived of all Correſpondence and Communication with neighbouring Nations, and with our Iſlands, Colonies, and Plantations abroad; whoſe ſole Dependance for Protection and Supply, being on theſe Kingdoms, they would be expoſed, as well as theſe Iſlands, to the Inſults of every Enemy, and become a Prey, and ſubject to the Yoke of every proud Invader.

The Honour and Renown particularly applicable to the *Engliſh* Nation, having been gained by the Strength, Valour and Proweſs of our Forces by Sea, it muſt be maintained by a ſufficient and well diſciplined Navy; and, if we have loſt that Check which Queen *Elizabeth* put upon the *French* Navy, it is our beſt Policy to increaſe the Strength and Formidableneſs of our own, in Proportion, as we find the maritime Powers of *Europe*, grow more potent in their naval Strength; eſpecially as the preſent *Family Compact*, amongſt the Powers of the Houſe of *Bourbon*, evidently demonſtrates, what we are to expect from their Union of Intereſt and Strength, if not counteracted by a proper Attention to our Marine, and to Meaſures for increaſing and encouraging our Seamen, which, on all trying Occaſions, have proved to be the moſt reaſonable and effectual Means to put a Stop and curb to the growing Power and ambitious Deſigns and Encroachments of that potent and politic Family, that have ſo often, and ſeem now to aſpire to ſuch Strength by Sea, as to bid defiance to the *Britiſh Neptune*.

Naval Strength.

How much the Attention of the State has been upon the Support of this naval Power, is demonſtrated from the preſent State and Condition of our Navy, which, according to the beſt Account, conſiſts of three hundred and forty fighting Ships, including thoſe of forty Guns; forty Frigates, ten Fire-ſhips, ten Bomb-veſſels, and about ſixty Sail of Sloops, Yachts, Store ſhips, and other ſmall Veſſels. But the fifth and ſixth Rates are not numbered amongſt the Line of Battle Ships; being chiefly employed for Convoys, Cruizers, and the like Services.*

* See the Dimenſions of the *Britiſh* Navy, on Page 235.

This

This Royal Navy of *Great Britain*, as well Strangers, as our own People, have been deſervedly admired and allowed to excel all others in the World, in Number of Ships, Completeneſs of Building, Weight of Metal, Expertneſs and Courage of the Sailors, and in their Excellency in ſailing. The Cannon wherewith they are mounted, are for Nature and make, according to the Standard of our Mariner's Fighting; whoſe Cuſtom is not to Fire 'till they can ſee the *Whites* of the Enemy's Eyes, Board and Board, Yard-arm and Yard-arm. They are therefore much ſhorter and of larger Bore, than the *French*, whoſe Shyneſs would rather fight at a Diſtance, and keep pelting with their ſhot from Arms and Weapons longer than our own. Its Excellency.

But the Strength of this Navy becomes more formidable by the Manner of equipping and manning our Ships of War, with ſober, judicious, experienced and courageous Commanders and Officers, and with a ſufficient Number of able Seamen, who, if they enter Volunteers, are allowed handſome advance Money; but otherwiſe are preſſed into his Majeſty's Service, by proper Warrants and Officers appointed by the Lords of the Admiralty to execute them, under certain Reſtrictions and Limitations, and the Inſpection of Regulating Officers, to work the Ship, and Marines or Sea Soldiers to fight the Enemy: for, if there ſhould happen a Failure in this Particular; if by the Ignorance, Cowardice, or Diſaffection of a Commander; or by the Want of a due Complement of able Seamen, the Ships ſhould become defenceleſs; they will then, inſtead of being Walls and Bulwarks to defend, prove ſo many deſerted ſtrong Fortreſſes betrayed into the Hands of the Enemy, to annoy and to deſtroy us: Our Anceſtors did, therefore, prudently take Care, to the utmoſt of their Power, to employ and to prefer ſuch ſober, brave and judicious Commanders and Officers in the Navy, as had ſignalized themſelves both by their Courage and Conduct: But to preſume to ſay how far this Prudence is the Practice of thoſe in Power to grant Commiſſions in the preſent State of our Navy, I, who am, in a great Meaſure, a Stranger to the Merits of the Gentlemen employed, ſhall rather forbear to canvaſs this important How manned.

Point, by common Fame or Report, and ſubmit to the Nation's Experience to determine.

The great Improvement and effectual Service of our Navy is, therefore, chiefly owing to the Knowledge, Integrity, Practice, Diligence and Prudence of thoſe, to whoſe Care the Management thereof has been, from Time to Time, intruſted, which is ſtiled *the Board of Admiralty*, and this Board is ſituated in a moſt commodious and elegant Building of Brick and Stone adjoining to the Horſe Guards at the Eaſt, and grand Entrance into St. *James*'s Park; containing not only all requiſite Offices for Diſpatch of Buſineſs, but noble Appartments and diſtinct Houſes for the Commiſſioners, Secretary, *&c.*

Admiralty Office.

Of the Admiralty.

The *Admiralty* of *Great Britain* was formerly under a great Officer of the Crown, who was ſtiled *Lord High-Admiral*, and *Capitaneus Nautarum & Marinellorum*, in reference to his deciding all Differences amongſt thoſe in the King's Service. This great Officer is one of nine prime Officers of State, when in being, with a Salary of ſeven thouſand *per Annum*, and is, in a manner, his Majeſty's Vice-roy at Sea: Which Power was ſo extenſive, eſpecially in all Things belonging to the Royal Navy, that it was thought rather too much to be entruſted with one ſingle Subject: and therefore this Office, at preſent, is adminiſtered by a Number of Commiſſioners appointed by the Sovereign, by the Stile of *Lords Commiſſioners for executing the Office of* Lord High Admiral *of* Great Britain *and* Ireland." And by 2 *Will.* and *Mary* Seſſ. 2. c. 2. ſec. 2, it was declared, " That all Juriſ-" dictions and Powers which by Act of Parliament, or " otherwiſe, are inveſted in the Lord High-Admirals of " *England*, have always appertained to the Commiſ-" ſioners of the Admiralty, as if they were Lord High " Admiral." But the Perquiſites are now, on every new Commiſſion being made out, reſigned, by ſome Deed or Writing, to the Crown.

When the Office of Lord High-Admiral is in Commiſſion, the King is not limitted to appoint any certain fixed Number. At preſent it conſiſts of a firſt Commiſſioner, who preſides at the Board, and ſix more, who take Place in the Order, in which they are named in the Commiſſion.

Number of Commiſſioners.

The

The next immediate Officers under the Board of the Lords of the Admiralty are the *Vice* and *Rear-Admirals* of *England*, who are generally the two ſenior Admirals, (the former with a Salary of four hundred and ſeventy Pounds *per Annum*, the latter, two hundred and nineteen Pounds *per Annum*.) And the Perſons who do Buſineſs under the Lords of the Admiralty, are an Upper and Under-ſecretary, a Solicitor, ſeven Clerks in ordinary, beſides Supernumeraries, Door-keepers, Meſſengers, *&c.* Marine Officers.

The firſt Lord or Commiſſioner of the Admiralty, is, in effect, Lord High Admiral; becauſe he has the ſupreme Direction of the Board: for though no Commiſſion or Order is valid without the Hands of two or more Commiſſioners; yet he is not to be controuled by the Board. They are obliged to ſign with him.

Under this Authority are all the naval Offices and Shipping, wherever ſituated or ſtationed; as, the *Navy-Office*, *Victualling-Office*, *Sick* and *Wounded-Office*, *Pay-Office*: the *Yards* at *Portſmouth*, *Chatham*, *Woolwich*, *Deptford*, *Sheerneſs*, *Plymouth*, and at *Harwich*: and all Ships and Veſſels of War, their Admirals, Commanders, Lieutenants, Officers and Men. Authority of the Admiralty.

The Juriſdiction of the Lord High-Admiral, or of the Lords Commiſſioners, extends over *Great Britain*, *Ireland*, *Wales*, and the Dominions and Iſlands thereunto belonging, and over all and ſingular the Plantations, Dominions, and Territories whatſoever, in Parts beyond the Seas in Poſſeſſion of any of his Majeſty's Subjects. And the Lords-Commiſſioners have the general Direction of the Navy; except when the Sovereign pleaſes to interfere and direct the Motions of his Fleets by his Secretaries of State. Juriſdiction.

The Board of Admiralty grants their Commiſſion to ſuch Perſon, as his Majeſty directs, whereby he is appointed Admiral and Commander in Chief of the Fleet or Squadron for the intended Expedition. Such Admiral, when clear of the *Britiſh* Channel, is empowered to fill up with Officers all Vacancies, under his Command; who are generally confirmed by the Board of Admiralty; and he is alſo uſually furniſhed with full Powers to hold Courts-Martial, and commonly appoints his Secretary, on ſuch Occaſions, Judge-Advocate. A Power conferred ſometimes on private Captains. Duty.

When any naval Buſineſs is to be tranſacted, as building, repairing, fitting out, or victualling Ships of War, the Admiralty direct their Orders to the proper Officers for thoſe Purpoſes; and they direct their Warrants to the Maſter-general of the Ordnance, for ſuch naval Stores, as are wanting on Board the Ships of War.

They, by their Warrant, direct the Commiſſioners of the Navy to appoint Officers in the Dock Yards, Rope Yards, *&c.* and Purſers, Gunners, Boatſwains, and Carpenters: and they ſign all Commiſſions for Admirals, Captains, Lieutenants, Chaplains, Volunteers and School-Maſters.

Before the Meeting of Parliament, it is the Duty of the Admiralty by Memorial to the King in Council, to pray his Majeſty to declare the Number of Seamen proper to be employed for the current Year; in order for the Victualling Office to prepare and lay proper Eſtimates of the ſame, before the great Council of the Nation.

If War be declared, the Admiralty, by Memorial preſented to the King and Council, pray his Majeſty to direct a Commiſſion to authorize the Lords-Commiſſioners to empower the Court of Admiralty in the foreign Governments and Plantations, to take Cognizance of, and judicially to proceed upon all Manner of Captures, Seiſures, Prizes, and Reprizals of all Ships and Goods ſeized; and to adjudge and condemn the ſame, accord to the Courſe of Admiralty, and Law of Nations; as alſo all Ships and Goods liable to Confiſcation, according to Treaties between his *Britannick* Majeſty and other Princes and States: And alſo to authorize them, the Lords Commiſſioners, to iſſue out Letters of Marque and Reprizals to thoſe deemed fitly qualified, to ſeize all Ships or Veſſels of the Enemy, *&c.* as alſo to direct the Advocate for the Office of High Admiral, to prepare, for the Royal Approbation, Inſtructions to Commanders of Merchantſhips, to whom ſuch Letters of Marque and Reprizals ſhall be granted.

The Admiralty, on the entering into a War, give Directions to the *Navy* and *Victualling* Office, for the getting ready and victualling ſuch Ships and Veſſels, as by the Report of the Commiſſioners to their Lordſhips, are found fit for Service, and to rebuild and repair the Reſt, as they direct, and to contract with Maſter-builders in

the Merchants Yards for such Purposes, &c. But it is to be observed, that nothing of Importance can be done, or any Contracts made, by such inferior Officers, without Report by them first delivered in, and an Order thereupon obtained from the Admiralty-Board, who have before them a List of all the Navy Ships and Vessels fit for Service, or otherwise, with their Rates, Tonnage, Complement of Men and Guns.

Admiralty Court.

Under the Authority of this Board is erected a Court by the Name of *The Admiralty Court of* Great Britain, whose local Situation is at *Doctors Commons*, near St. *Paul's*, *London*. The Lord High Admiral, or Board of Admiralty for the Time being, is supreme in this Court. Under whom is a Deputy Judge, who is usually a Doctor of the Civil Law; two Registers, Advocates, Proctors, and a Marshal, who carries a Silver Oar before the Judge. The Judge is constituted by the King's Letters Patent, and holds his Place, *quam diu bene se gesserit*, i. e. *during his good Behaviour*.

Process.

The Process and Proceedings of this Court are in the Name of the Lord High Admiral, and by Libel: the Plaintiff and Defendant enter into a Stipulation or Bail, by a Kind of Recognizance for Appearance, and to abide the Sentence. But as it is not a Court of Record, this Court has no Power to take such a Recognizance, as a Court of Record may. It is generally ruled by the Civil Law, and the Maritime Laws of *Oleron*. But in criminal Cases, as Piracy, it is directed by two Statutes in the Reign of King *Henry* VIII. that they shall be tried in this Court by Witnesses, and a Jury, under a special Commission of the King to the Lord High Admiral, whereof some of the Judges are to be Commissioners: So that in such Cases the Trial is by the Common Law.

It has Power to determine all maritime Causes arising wholly upon the Sea, out of the Jurisdiction of a County; according to 13 *Rich.* II. c. 5. and 15 *Rich.* c. 3. and 2 *Hen.* IV. c. 2. and 5 *Eliz.* c. 5.

There may be Appeals from the Admiralty to a Court of Delegates appointed by Commission; whose Sentence is final. But the Appeals from the inferior Admiralty Courts, lie to the Lord High Admiral, or Lords Commissioners of the Admiralty, in this Court, by 5 *Eliz.* except in the *Cinque Ports*; where the Warden is supreme Admi-

ral within his own Jurisdiction. Nevertheless Persons in actual Service and Pay on Board of his Majesty's Ships of War, * committing any Crimes upon the Shore in foreign Parts, may be tried and punished for the same, as if the Offences had been committed on the main Seas, or on Board any Ships or Vessels of War †.

Within the Cognizance of this Court are all Affairs that particularly concern the Lord High-Admiral, or any of his Officers as such, all Matters relating to the Navies of the Kingdom, the Vessels of Trade, and the Owners thereof, as such; all Affairs relating to Mariners, whether Ship Officers, or common Seamen, their Rights and Privileges respectively, their Office and Duty, their Wages, their Offences with their Punishment: also all Affairs of Commanders at Sea and their under Officers, with their respective Duties, Privileges, Immunities, Offences and Punishments: also all Matters that concern Owners and Proprietors of Ships, as such; and all Masters, Pilots, Steersmen, Boatswains, and other Officers; all Ship-wrights, Fisher-men, Ferry-men, and the like: Also all Causes of Seizures and Captures made at Sea, whether *jure belli publici*, or *jure belli privati*, by way of Reprizal, or *nullo jure*, by way of Piracy: Also all Charter-Parties, Cocquets, Bills of Lading, Sea-commissions, Letters of safe Conduct, Factories, Invoices, Skippers Rolls, Inventories, and other Ship-Papers: Also all Causes of Freight, Mariners Wages, Load Manage, Port-charges, Pilotage, Anchorage, and the like: Also all Causes of maritime Contracts *indeed*, or, *as it were*, Contracts, whether upon, or beyond the Seas; all Causes of Money lent to Sea, or upon the Sea, called *Fœnus nauticum*, *bomary Money*, *the gross Adventure*, and the like: All Causes of pawning, hypothecating, or pledging of the Ship itself, or any Part thereof, or her Lading, or other Things at Sea: all Causes of *jactus*, or casting Goods over-board, and Contributions either for Redemption of Ship or Lading, in Case of Seizure by Enemies or Pirates, or in Case of Goods damaged, or disburdening of Ships, or other Chances, with Average: Also all Causes of Spoil, Depredations at Sea, Robberies

* See 13 *Car.* II. c. 9.
† 6 *Geo.* c. 19. & 22 *Geo.* II.

and

and Piracies: Alſo all Cauſes of Conſortſhip, in Peace or War; Inſurance, Mandates, Procurations, Payments, Acceptilations, Diſcharges, Loans, or Oppignorations, Emptions, Venditions, Conventions, taking or letting to Freight, Exchanges, Partnerſhips, Factorage, Paſſage Money, and whatever is of a maritime Nature, either by Way of Navigation upon the Seas, or of Negotiation at, or beyond the Sea, in the way of Marine Trade or Commerce: Alſo the nautic Right, which maritime Perſons have in Ships, their Apparel, Tackle, Furniture, Lading, and all things pertaining to Navigation: Alſo alſo Cauſes touching Maritime Offences or Miſdemeanors, as cutting a Buoy Rope or Cable, Removal of an Anchor, whereby any Veſſel is moored: Alſo Caſters of Ballaſt into Ports or Harbours to the Prejudice thereof; Freights of alien Veſſels contrary to Law, unſkilful Pilots, whereby Ship or Man periſh: unlawful Nets, or other prohibited Engines for Fiſh: diſobeying Embargoes: furniſhing the Ships of Enemies, or the Enemy with Ships: all Damages done by one Ship to another: together with a great many Things relating to the State and Condition of Perſons maritime, their Rights, their Duties, or their Defaults. However the Juriſdiction of the Court of Admiralty is liable to be interrupted by a Writ, which is called a *Prohibition* from a Court of common Law, which Writ forbids to hold Plea in any Matter or Cauſe, ſuppoſed to be without the Juriſdiction and Cognizance of the Court, where the Suit depends.

Navy-Board.

The higheſt Department under the Admiralty-Board for the Management of the Royal Navy is ſtiled peculiarly the *Navy-Board*, which conſiſteth of Commiſſioners, at the yearly Salary of five hundred Pounds each, and certain principal Officers, who hold their Offices by Patent under the Great Seal. They are allowed ſeveral Clerks with Salaries for the Diſpatch of Buſineſs: and each of them have their proper Office: ſuch as the *Treaſurer*, *Comptroller*, *Surveyor*, and *Clerk of the Acts*. And there are ſometimes occaſional Commiſſioners, as the Exigence of Affairs ſhall require.

Method of Proceeding.

Theſe principal Officers and Commiſſioners are to conſult and adviſe together how to tranſact all Affairs, tending to the well-governing of his Majeſty's Navy, and all ſubordinate Miniſters thereof; wherein they are

to proceed by common Council and Argument of moſt Voices endeavouring jointly to advance his Majeſty's Service, without any private or indirect End; always with a due Regard and Subordination to the Lords of the Admiralty, in whatever they ſhall think proper to command.

Treaſurer. The *Treaſurer* is to receive and pay his Majeſty's Treaſure, for Naval Affairs; to ſign all Eſtimates and Contracts; to digeſt his Accounts once a Year and to be preſent at all or moſt Payments, either of Ships or Wages. For which he enjoys a Salary of two thouſand Pounds *per Annum*.

Comptroller. The *Comptroller* is to attend and comptrol all Payments of Wages: to know the Market Rates of all Stores for Shipping; to examine and credit all Accompts of the Treaſurer, Victuallers, Purſers, Store-keepers, and Pilots, and to copy all Eſtimates, Privy Seals, Aſſignments, and other Orders for Money. For which he receives five hundred Pounds *per Annum*.

Surveyor. The *Surveyor's* Duty is to know the Eſtate of all Ship-Stores, and to ſee their Deficiency ſupplied; to ſurvey all his Majeſty's Store-houſes, Yards, Docks, Wharfs, *&c.* the Hulls, Maſts and Yards, and to eſtimate the Value of both new and old Work in Building and repairing Ships; to charge all Boatſwains and Carpenters with what Stores they receive for the Ship's Uſe, in Order to a Voyage, and at their Return to State and Audit their Accompts. For which purpoſes there are two joint Surveyors, who have Salaries of five hundred Pounds *per Annum* each.

Clerks of the Acts. The *Clerk of the Acts* is to record all Orders, Bills, Contracts, Warrants and other Buſineſs, to preſent the Price of all petty Proviſions; to ſuperviſe petty Eruptions, and to keep an exact record of all Conſultations, Orders, Petitions, Debates, Eſtimates, Letters, Anſwers, and other Buſineſs tranſacted in this Office. For which he is allowed five hundred Pounds *per Annum*, and an Aſſiſtant with three hundred Pounds *per Annum*.

Navy Office. The *Navy Office* is kept in a very commodious and regular Brick Building, ſituate between *Crutchet-Friars*, on the Front of it, and *Tower-hill* on the Back of it. The Offices for Buſineſs are a regular compact Building in the Centre, ſurrounded by handſome Brick Houſes or Appartments

Appartments for the Comptroller and other Officers and Commiſſioners, *&c.* whoſe Preſence is more particularly neceſſary to expedite the Buſineſs of the Navy, upon all Exigences, that cannot be forſeen.

Officers in Docks and Yards.

Under the Management of this Office we may properly place the *Store-keepers*, *Clerks of the Cheque*, *Maſter Attendants*, *Clerks of the Survey*, *Clerks of the Rope Yard*, *Porters*, *Boatſwains*, and other Officers in all his Majeſty's Docks and Yards.

Store-keeper.

The Office of *Store-keeper* has been deemed, at ſome Time, and in ſome Caſes ſo difficult, that it is thought requiſite for the national Intereſt, and the Advantage of his Majeſty's Service, that all Store-keepers execute their Place perſonally by themſelves, and not by Deputies or Servants, except in Caſe of Sickneſs, or other extreme Neceſſity. This Salary is two hundred and ſixty Pounds *per Annum*.

Clerk of the Cheque.

The *Clerk of the Cheque* (whoſe Salary is two hundred and forty-five Pounds *per Annum*) is to keep an exact Account of the Entry of, and to Muſter all Perſons employed in his Majeſty's Service in the Dock or Yard under his Inſpection: and he is to keep a Counter Book with the Store-keeper, of all Receipts and Iſſues of Stores; to review the Quantity and Quality of Proviſions received into Store; to make up and firm all pay Books and Tickets for Wages earned in his Majeſty's Yard; and to take Care at the making up all Extra-books for Shipwrights, that no Rate be given, or ſet out upon Books, but what ſhall be warranted by ſome Precedent.

Maſter Attendant.

The *Maſter Attendant* is principally to approportion and ſee laid out, the Anchors, Moorings, Props, Trunks, and arming for mooring Cables; to appoint Boatſwains and Ship-keepers, lying at Anchor, their Attendance and work every Day, either a-float or a-ſhore; to attend the grounding, graving, docking or careening of Ships of War; to keep an Account of all Stores for the Boatſwain, and of the Rigging and Ground-tackle of each Ship going to Sea; and upon Return of his Majeſty's Ships, to make an exact and ſtrict Survey of the remaining Stores, and of the State and Condition of the Rigging, *&c.* and to certify what is wanting to repair the ſame. There are two Maſter Attendants to each

each Yard, with a Salary of one hundred and eighty-four Pounds each.

Maſter Ship-wright.

The *Maſter Ship-wright* (at one hundred and thirty-three Pounds *per Annum)* is to be conſtant with his two Aſſiſtants (at ſeventy Pounds *per Annum* each) in their Attendance at the grounding, graving, caulking, docking, and repairing or new building all or any of his Majeſty's Ships; to rate all Mens Wages, working under their Command; and to aſſiſt the Store-keepers in their view of all Materials, and to proportion the Quantity of Carpenters Stores for Sea Service.

Clerk of the Rope Yard.

The *Clerk of the Rope Yard* is in the Nature of a Clerk to the Cheque; becauſe the Clerk of the Rope Yard is a Cheque to the Rope-Makers in every Reſpect, as the other is to Sail-Makers and Sea Men. He has the Care of the Hemp and Tow, and cheques the Time and the Length of the Threads ſpun.

Porter.

The *Porter's* Duty is to be conſtant at the Gate 'till he delivers his Charge to a Watch-man at eight o'Clock at Night; to ring the Bell for calling and diſcharging the Men at proper Hours, and to take Care that the Work-men do not carry away and defraud his Majeſty of any Materials, *&c.*

Boatſwain.

The *Boatſwain* of a Yard's Duty is to take Care of the Cranes and all Things thereunto belonging, ſmall Ropes, Malls, Saws, Wedges, Crows, Drags, Timbrels, Wheel-barrows, Screens, Hand-pieces, *&c.* delivered to Labourers; to ſurvey the labouring Men in their ſeveral Places and Labours. He is alſo to attend the cleaning of the Docks, and to prepare Blocks, Crabs, and Tackle for launching of Ships; and to look to all Long-boats, Pinnaces, Skifts, *&c.* that they may be properly laid up.

We ſhall conclude this Department of the *Navy Office*, (in which the whole Labour of building, repairing, and fitting out his Majeſty's Ships for Sea more immediately centers) with approved Dimenſions of the *Britiſh* Navy.

DIMEN-

DIMENSIONS *of the* BRITISH NAVY *from* 100 *to* 50 *Guns.*

Guns	100		90		80		70		60		50	
Burthen	2000		1730		1585	$\frac{5}{24}$	1414	$\frac{56}{94}$	1191		1052	$\frac{47}{94}$
Feet and Inches	F.	I.	F.	I.	F.	I.	F.	I.	F.	I.	F.	I.
Length of the Gun Deck	173		170		165		160		150		144	
Length of the Keel	144	$6\frac{1}{2}$	138	4	134	$10\frac{3}{4}$	131	4	123	$\frac{1}{2}$	117	$8\frac{1}{2}$
Length of the Fore-caſtle	38		36		36		33				27	
Length of the Upper Edge Keel	26	8	25	5	24	8	23	11	22	11	21	10
Depth in the Hold	21	6	20	6	20		19	4	18	6	17	8
Extreme Breadth	51		48	6	47		42		42	8	41	
Draught of Water Afore	22	3	21	1	20	4	19	4	18	3	17	2
Draught of Water Abaft	23	5	22	3	21	6	20	6	19	5	18	4
Height of the Gun Deck	7	2	17		7		7		6	$10\frac{1}{2}$	6	9
Height of the Middle Deck	7	1	7		6	10			6			
Height of the Upper Deck	7	6	6	10	6	8	6	7		7	6	6
Height of the Quarter Deck	6	9	6	9	6	3	6	6	6	6	5	8

N. B.

N. B. Each of theſe Rates are furniſhed with Pinnaces, Yawls, Long-boats, Cables, Anchors, Cordage, *&c.* of whoſe Dimenſions and Quantity, a Judgment may be formed from the Dimenſion of the Pinnace to a firſt Rate, which is thirty-three Feet long, ſix Feet two Inches wide, two Feet nine and a half Inches deep, with ten Oars; and of its Yawl, which is twenty-eight Feet long, five Feet ten Inches broad, and two Feet eight and a half Inches deep, with eight Oars; and of its Long-boat, which meaſures thirty-ſix Feet long, ten Feet ſix Inches wide, four Feet eight Inches deep, with eleven Oars.

A firſt Rate has ten Cables, three of twenty-three Inches; five of twenty-two and a half Inches; one of twenty-one and a half Inches, and one of fourteen and a half Inches, with Anchors in Proportion; one of eighty-two hundred Weight, two of ſeventy-eight hundred Weight, two of ſeventy-ſeven hundred Weight, two Quarters; one of twenty hundred Weight; one of ten hundred Weight, and two Quarters, and one of five hundred Weight, and one Quarter; which, together with Rigging, and eight Months Store: and the whole Cordage of a firſt Rate Man of War weighs ninety-one Tons, ſixteen Hundred, one Quarter, and eight Pounds.

Victualling Office.

As the Navy Office provides all Requiſites to build, repair, and to make his Majeſty's Ships of War capable to be carried to Sea; the *Victualling Office* is particularly charged with providing the Ship's Crew with Proviſions and Stores of all Sorts for their Uſe and Comfort. This Department is alſo under Commiſſioners, whoſe Salary is four hundred Pounds *per Annum* each, and other principal Officers appointed by the Treaſury, and who enjoy genteel Salaries, with Clerks under them, and have their Office, Store-houſe for Victuals, Biſcuit-ovens, Butchery for Beeves and Hogs, and other Conveniences, on the Eaſt-ſide of *Little Tower-Hill*, once the Scite of the ancient and rich Monaſtery, which was known by the Name of *Our Lady of Grace*, and devolved to the Crown at the Diſſolution of the religious Houſes under King *Henry* VIII.

The preſent Commiſſioners and Officers are (at five hundred Pounds *per Annum* each) whoſe Buſineſs is to receive Propoſals, and to agree for ſufficient and wholeſome Victuals for the Navy, and for that Purpoſe they have

have their Agents at *Portſmouth*, *Plymouth*, *Gibraltar*, *Mahon*, &c.

The Officers are a Secretary, Accomptant-General, Accomptant for Stores, Clerk of the Iſſues, Cheque upon the Treaſurer, Clerk of the Cheque, Maſter-Cooper, Clerk of the Bake-houſe, Clerk of the Cutting-houſe, Clerk of the Brew-houſe, Clerk of the Mills, Hoy-taker, Surveyor, Clerk of the ſhort Allowance, and Maſter Brewer. Officers.

There is another Department under the Admiralty, called the *Sick and Wounded-Office*, ſituated at the North-Eaſt Corner of *Great Tower-Hill*, and conſiſting of Commiſſioners, and other principal Officers and Clerks: whoſe Charge is to erect and manage Hoſpitals for the Sea-faring People, and to take Care of the ſick and wounded Sea-men. And to theſe Commiſſioners is alſo committed the Exchange of Priſoners in Time of War. Sick and Wounded Office.

The laſt Office we ſhall mention under the Admiralty is the *Pay-Office*, kept in part of the old Houſe, called in ancient Times *Wincheſter Place*, or the Marquis of *Wincheſter*'s *Palace*, in *Old Broad-ſtreet* near *Biſhop*'s-*Gate*; which is under the Management of the Treaſurer of the Admiralty and his Clerks; and where all Demands for Seamens Wages, Stores, *&c.* are diſcharged. Pay-office.

When the Fleet is complete, it conſiſts of three Squadrons, diſtinguiſhed by the Colours of their ſeveral Flags. The principal Commanders whereof bear each the Title of Admiral of his Squadron. But the Admiral of the *Red* commands in chief the whole Fleet, and is called *Admiral of the Fleet*. Each of thoſe Admirals has under him a Vice-Admiral and a Rear-Admiral, becauſe each of them hoiſts his proper Flag on Board. So that the Officers employed in his Majeſty's Fleets are diſtinguiſhed by the Poſts of Commanders in chief, Admirals, Vice-Admirals, Rear-Admirals, Commodores, Captains and Lieutenants; all appointed by Commiſſions from the Admiralty. Admirals. Officers in the Navy.

And the eſtabliſhed Number of Flag Officers of the Navy are, one Admiral, and Commander in Chief of a Fleet; one Admiral of the *White*, one Admiral of the *Blue*: one Vice-Admiral of the *Red*, one of the *White*, and one of the *Blue*: one Rear-Admiral of the *Red*, one of the *White*, and one of the *Blue*; and no Brevet Commiſſions

missions to be allowed. Admirals, Vice-Admirals, Rear-Admirals, Captains, and Lieutenants Rank in their respective Classes, according to the Seniority of their Commissions.

Commodore. Next under the Rank of Admiral comes the Commodore, who is a temporary Commander without a Commission, but proceeding upon the Custom of the Navy, by which the senior Commander of a Squadron is dubbed Commodore, Leader or Commander in Chief, and is thereby intitled to some Honours, and sometimes to more pay than a private Captain.

Masters Commanders. But there is no commissioned Officer between an Admiral and a Captain of a Man of War. However it is not every King's Ship, that confers the Title of Captain upon its Commander. Those Ships beneath a fifth Rate for the most Part are under the Command of Masters and Commanders, and not Captains, and as such, they do not take Post, neither are they intitled to Half-pay, though they have their Commissions and Warrants from the Admiralty.

Rank. A Flag-Officer is treated with several Marks of Ceremony and Respect. When he goes on Board any of his Majesty's Ships, he shall be received with a Guard under Arms; the Drum beating a March for the Admiral commanding in chief; three Ruffles for an Admiral, two for a Vice-Admiral, and one for a Rear-Admiral. And the first Captain to the Admiral and Commander in Chief of the Fleet, shall be received by a Guard, without a Drum.

It was ordered by King *George* II. in the Year 1734. That the Admirals, with the Flags on the Maintop, have the same Respects from the Troops, with Generals of Horse or Foot; that is, upon all Occasions to have the March beat to them, and to be saluted by all the Officers, the Colours excepted.

That Vice-Admirals have the same Respects as Lieutenants-General of Horse or Foot, *i. e.* upon all Occasions to be saluted by all the Officers in the Garrison, and to have three Ruffles given them.

That Rear-Admirals have the same Respects, as Majors-General; which is to have two Ruffles and not to be saluted by any Officer.

That

That Commodores with broad Pendents have the ſame Reſpects as Brigadiers-General; which is to have one Ruffle.

Under a Captain or Commander there are the following Officers; *viz.* the Lieutenants, the Maſter, the Boatſwain, Maſter Sail-maker, Gunner, Armourer, Carpenter, Purſer, Surgeon, Maſter at Arms and Corporal, the School-maſter and Cook.

Pay.

The Pay of the Admiral and Commander in	*l.*	*s.*	*d.*
Chief of a Fleet is, *per Day*,	5	0	0
—— of an Admiral	3	10	0
—— of a Vice-Admiral	2	10	0
—— of a Rear-Admiral	1	15	0
—— of the firſt Captain to a Commander in Chief	1	15	0
—— of Captains to Vice-Admirals	0	16	0
—— of Captains to Rear-Admirals	0	13	0

Wages of an able bodied Seaman is 1*l.* 4*s.* *per* Month, with Victuals.

N. B. The Admiral and Commander in Chief of the Fleet has twenty Shillings a Day for his Table, both in home and in foreign Voyages. Admirals and Vice-Admirals, commanding in Chief, are allowed the ſame Table-Money.

Officers Widows.

There are Gratuities or Bounties allowed to the Widows or Relations of Officers and others ſlain in Fight with the Enemy: And to Officers wounded in Fight, and to Seamen hurt in the Service. And Penſions are given to ſuperannuated Officers. For theſe Purpoſes there is a Fund erected by the Name of the *Seamens Cheſt* in *Chatham Yard*, to pay the Gratuities. And a moſt magnificent Building, an Hoſpital, upon a Royal Foundation, and ſupported by Parliamentary Aid at *Greenwich*, for the Help and Relief of Officers and Seamen, either hurt, infirm, ſuperannuated, or otherwiſe diſabled in his Majeſty's Service.

Chatham Cheſt.

Greenwich Hoſpital.

Of

Of the ARMY, *or* military Strength *of the Nation.*

THE *internal Strength* of the Nation conſiſts in our *Army*, and a regular and well diſciplined *Militia*.

Origin of Armies.

The Army is the Invention of Tyrants to over-awe and to enſlave the People, over whom they reign, and is applied by Sovereign Princes to decide their own Quarrels, and to maintain the Intereſts of their reſpective Subjects by Force of Arms, and the Power of the Sword. For which Reaſons the Kings of *England*, though they have the chief Command, and full Power over the Army, when ordained by the Legiſlative Power, have no Power to raiſe an Army, without Conſent of Parliament. Therefore our Conſtitution is totally a Stranger to a ſtanding Army. The State lays the Number of Land Forces required, for the national Service, for the enſuing Year, before the Houſe of Commons, and the Parliament votes ſuch Number, as they, in their great Wiſdom, ſhall think fit; and as the Garriſons and the Exigencies of the Nation ſhall make it neceſſary to provide either for Offence or Defence. And here it is to be obſerved, That whatever Privileges the Reſt of the Subjects may be intitled to, the Gentlemen of the Royal Navy and Army, can have very little Pretenſions to them; becauſe they are ſubject to a Court-Martial, and may, in many Caſes, be puniſhed without being brought even before that Judicature. They are obliged to obey their ſuperior Officers without reſerve: and thoſe Officers muſt obey Miniſters, from whom they receive their Commiſſions: therefore, the Moment a Gentleman enters into the Service, either of the Navy or Army, he waves all the Rights and Privileges he might be intitled to as an *Engliſhman*; or rather barters them away for a laced Coat and a Cockade.

State of a Britiſh Army.

The Number of *regular Forces* is not, and cannot be fixt under our Conſtitution: and its Augmentation, and Reduction, is to be conſidered according to the Times. In War the national Forces have amounted to eighty Thouſand Men, excluſive of as many foreign Forces in *Britiſh* Pay; that have immortalized the *Engliſh* Courage and

and Conduct in the Art of War, in every Quarter of the Globe. In Peace eighteen Thousand is generally thought a sufficient Number of Land Forces to be kept up for the Dignity of the Crown, and the Terror of those who would secretly undermine the Government, and disturb the internal Peace and Tranquility of the Nation. *

The

* *An Abstract of the Daily Pay of his* MAJESTY'S LAND FORCES.

	Horse.			Dragoons.			Foot Guards.			Foot & Marin.		
	l.	*s.*	*d.*	*l.*	*s.*	*d.*	*l.*	*s.*	*d.*	*l.*	*s.*	*d.*
Colonel and Captain - -	2	1	0	1	15	0	1	19	0	1	4	0
Lieut. Col. and Captain -	1	9	6	1	4	6	1	8	6	0	17	0
Major and Captain - -	1	7	0	1	0	6	1	4	6	0	15	0
Captain - - -	1	1	6	0	15	6	0	16	6	0	10	0
Lieutenant - - -	0	15	0	0	9	0	0	7	10	0	4	8
Cornet or Ensign - -	0	14	0	0	8	0	0	5	10	0	3	8
Quarter Master - -	0	8	6	0	5	6	0	4	0	0	4	8
Chaplain - - -	0	6	8	0	6	8	0	6	8	0	6	8
Adjutant - - -	0	5	0	0	5	0	0	4	0	0	4	0
Surgeon - - -	0	6	0	0	6	0	0	4	0	0	4	0
Mate - - -	0	0	0	0	0	0	0	2	6	0	2	6
Kettle Drum or Drummer -	0	3	0	0	2	3	0	1	0	0	1	0
Drum Major - -	0	0	0	0	0	0	0	1	6	0	0	0
Trumpeter - -	0	2	8	0	0	0	0	0	0	0	0	0
Serjeant - -	0	0	0	0	2	9	0	1	6	0	1	6
Corporal - - -	0	3	0	0	2	3	0	1	0	0	1	0
Hautbois - -	0	0	0	0	2	0	0	1	6	0	0	0
Private Man - -	0	2	6	0	1	9	0	0	10	0	0	8
Agent - - -	0	2	0	0	1	2	0	0	6¾	0	0	6
Widows - - *s.* - -	0	5	0	0	0	0	0	1	8	0	1	4
Sollicitor } of Ft. } 4 } aDay	0	0	0	0	2	0	0	0	0	0	0	0
Deputy- } Grds } 1 }												
Marshal }												

The Officers of Grenadier Guards, besides the following Pay, have an Allowance per Warrant of private Mens' Pay, *viz.* Colonel of Grenadier Guards, six Shillings; Lieutenants Colonel, three Shillings; Major two Shillings; Lieutenant and Captain, one Shilling.

The preſent Eſtabliſhment, viz.

The preſent Eſtabliſhment.

1ſt and 2d Troop of Horſe Guards.
1ſt and 2d Troop of Horſe Grenadier Guards.
Royal Regiment of Horſe Guards.
1ſt, 2d, and 3d Regiment of Horſe, *Ireland*.
1ſt, or the King's Regiment of Dragoon Guards.
2d, or the Queen's Regiment of Dragoon Guards.
3d, or the Prince of *Wales*'s Regiment of Dragoon Guards
1ſt, or Royal Regiment of Dragoons.
2d, or Royal North *Britiſh* Regiment of Dragoons.
3d, or the King's own Regiment of Dragoons.
4th Regiment of Dragoons.
5th, or Royal *Iriſh* Dragoons, *Ireland*.
6th, or *Inniſkilling* Regiment of Dragoons.
7th, or the Queen's Regiment of Dragoons.

An Abſtract of the Officers of the HORSE *and* GRENADIER GUARDS *Pay a Day.*

	Troop of Horſe Grds.			Grenad. Guards.		
	l.	*s.*	*d.*	*l.*	*s.*	*d.*
To a Captain and Colonel	1	16	0	1	10	0
Lieutenant-Colonels, 1ſt and 2d each	1	3	0	1	2	6
Cornet	1	2	0	0	0	0
Major	0	0	0	1	0	0
Guidon	1	0	0	0	16	0
Exempt	0	13	0	0	0	0
Lieutenant	0	17	0	0	10	0
Brigadier	0	10	0	0	0	0
Sub-Brigadier 2*s.* 4*d.* a Day out of the private Men's Pay, beſides	0	5	0	0	0	0
Chaplain	0	6	8	0	6	8
Adjutant	0	7	0	0	7	0
Surgeon	0	8	0	0	8	0
Trumpeter	0	5	0	0	0	0
Kettle Drummer	0	5	0	0	0	0
Serjeant	0	0	0	0	4	0
Corporal	0	0	0	0	3	0
Hautbois and Drummer	0	0	0	0	2	6
Private Gentlemen	0	4	0	0	2	6
Marſhal to the Horſe Guards	0	7	0	0	0	0

8th

8th and 9th Regiment of Dragoons, *Ireland.*
10th and 11th Regiment of Dragoons.
12th, 13th and 14th Regiment of Dragoons.
1ſt, or the King's Regiment of Light Dragoons.
2d, or the Queen's Regiment of Light Dragoons.
3d, and 4th Regiment of Light Dragoons, *Ireland.*
1ſt Regiment of Foot Guards.
Coldſtream Regiment of Foot Guards.
3d Regiment of Foot Guards.
1ſt, or Royal Regiment of Foot, one Battalion, *Gibraltar*, 2d Battalion ditto.
2d, or Queen's Royal Regiment of Foot, *Gibraltar.*
3d Regiment of Foot (or Buffs) *Minorca.*
4th, or King's own Regiment of Foot.
5th Regiment of Foot, *Ireland.*
6th Regiment of Foot.
7th Regiment of Foot, or Royal Fuzileers.
8th or King's Regiment of Foot
9th and 10th Regiment of Foot, *America.*
11th Regiment of Foot, *Minorca.*
12th and 13th Regiment of Foot.
14th Regiment of Foot, *America.*
15th Regiment of Foot.
16th Regiment of Foot, *America.*
17th Regiment of Foot.
18th Regiment of Foot, *America.*
19th and 20th Regiment of Foot, *Gibraltar.*
21ſt Regiment of Foot, or Royal North *Britiſh* Fuzileers, *America.*
22d Regiment of Foot.
23d Regiment of Foot or Royal *Welch* Fuzileers.
24th Regiment of Foot, *Gibraltar.*
25th Regiment of Foot.
26th Regiment of Foot, *America.*
27th, or *Inniſkilling*, Regiment of Foot, *Ireland.*
28th Regiment of Foot, *Ireland.*
29th Regiment of Foot, *America.*
30th Regiment of Foot, *America.*
31ſt Regiment of Foot, *America.*
32d Regiment of Foot, *Charibbee Iſlands.*
33d Regiment of Foot, *Minorca.*
34th Regiment of Foot, *America.*
35th Regiment of Foot.

36th Regiment of Foot, *Jamaica.*
37th Regiment of Foot.
38th, 39th, and 40th Regiments of Foot, *Ireland.*
41ſt Regiment of Foot Invalids.
42d, or Royal Highland Regiment of Foot, *Ireland.*
43d Regiment of Foot.
44th, 45th, 46th, 47th, 48th, 49th, 50th and 51ſt Regiments of Foot, *Ireland.*
52d Regiment of Foot, *America.*
53d, 54th, 55th, 56th, 57th, and 58th Regiments of Foot, *Ireland.*
59th Regiment of Foot, *America.*
60th, or Royal *American* Regiment of Foot, *America.*
61ſt Regiment of Foot, *Ireland.*
62d Regiment of Foot, *Charibbee Iſlands.*
63d, 64th, 65th Regiments of Foot, *Ireland.*
66th Regiment of Foot, *Jamaica.*
67th Regiment of Foot, *Minorca.*
68th Regiment of Foot, *Antigua.*
69th Regiment of Foot, *America.*
70th Regiment of Foot, *Charibbee Iſlands.*
71ſt, 72d, 73d, 74th, 75th Regiment of Foot, Invalids.
A Corps of Foot ſerving in *Africa.*
Eight Independent Companies of Invalids, *viz.* two Companies at *Cheſter*; two Companies at *Tilbury-Fort*; one Company at *Tinmouth*; one Company at *Languard* Fort; one Company at *Pendennis*, and one Company at *Scilly.*
Royal Regiment of Artillery.
Regiment of Royal *Iriſh* Artillery.
Seventy Companies of Marines.

Divided into Infantry and Cavalry.

Theſe Forces (from hence it appears) are divided into *Infantry* and *Cavalry.* And the Infantry, or Foot, are diſtinguiſhed by Regiments; and the Cavalry, or Horſe, by Troops, under their reſpective Officers, as Colonels, Lieutenant-Colonels, Brigadiers, Majors, Captains, Lieutenants, Cornets, Enſigns, Serjeants and Corporals. And above all, are the Generals, Lieutenant-Generals, Major-Generals and Brigadiers, whoſe Command extends to a Body of Forces, or a Number of Troops or Companies united.

How provided for.

Theſe Forces are paid by the Nation, and provided with Cloaths and Arms, and alſo with Quarters in Inns and

and Ale-houſes; and, when diſbanded from the Service are intitled to ſeveral Advantages and Privileges to enable them to get their Living by Induſtry and Honeſty; eſpecially with a Right to follow a Trade or Occupation, for which they ſhall be fit, in any Town, Corporation, City or Place within his Majeſty's *Britiſh* Dominions. But in Caſe of Mutiny or Deſertion, a Soldier is to be puniſhed with Death or otherwiſe, as a Court Martial ſhall think fit. Privileges.

Of theſe Forces is compoſed what is called an *Army*, which is a large Number of Horſe and Foot, Soldiers completely armed and provided with Artillery, Ammunition, Proviſions, and other military Stores, under the Command of one General. This Army is compoſed of Squadrons and Battalions, and is uſually divided into three Corps, and formed into three Lines; of which the firſt is called the Van Guard; the ſecond, the main Body; and the third the Rear-Body, or Body of reſerve. The Middle of each Line is poſſeſſed by the Foot; the Right and Left Wing are formed with the Cavalry; and ſometimes Squadrons of Horſe fill up the Intervals between the Battalions. When they are drawn up in Order of Battle, the Horſe range at five Foot Diſtance from each other, and the Foot at no more than three. In each Line the Battalions are diſtant from each other one hundred and eighty Feet, which is nearly equal to the Extent of their Front; and the ſame holds of the Squadrons, which are about three Feet diſtant, the Extent of their own Front. Theſe Intervals are left for the Squadrons and Battalions of the ſecond Line to range themſelves againſt the Intervals of the firſt, that both may more readily march through thoſe Spaces to the Enemy. The firſt Line is uſually three hundred Feet diſtant from the ſecond, and the ſecond from the third, that there may be ſufficient Room to rally, when the Squadrons and Battalions are broken. An Army. How formed.

The Supplies of Arms and Ammunition for the national Forces iſſue from the Office of Ordnance, kept in the Tower of *London*, under a Maſter, Lieutenant, Surveyor, Clerk of the Ordnance, Store-keeper, Clerk of Deliveries, Treaſurer, or Pay-Maſter, and Maſter-Gunner, a who are entruſted with the Arſenal of the Tower, nd all other Magazines, or Store of Arms and Office of Ordnance.

Gun-powder, and Royal Founderies, at *Portſmouth*, *Plymouth*, *Woolwich*, &c.

Contains two Branches.

The Office of Ordnance is now divided into two Branches of the *Civil* and *Military*; the latter being ſubordinate, and under the Authority of the former.

Maſter General.

The principal Officer in the Civil Branch of the Office is the *Maſter General*, with a Salary of one Thouſand five Hundred Pounds *per Annum*, and a peculiar Juriſdiction over all his Majeſty's Engineers, employed in the ſeveral Fortifications of this Kingdom; to whom they are all accountable; and from whom they receive their particular Orders and Inſtructions, according to the Directions and Commands given by his Majeſty and Council.

Lieutenant-General.

The *Lieutenant-General* receives all Orders and Warrants ſigned by the Maſter-General, and from the other principal Officers; and ſees them duly executed; iſſues Orders as the Occaſions of the State may require, and gives Directions for diſcharging the great Guns at Coronations, or Birth-days, Feſtivals, ſignal Victories, and other ſolemn Occaſions. He is alſo to ſee the Train of Artillery, and all its Equipage fitted for Motion, when ordered to be drawn into the Field. For which his Salary is one Thouſand one Hundred Pounds *per Annum*, with a Clerk in ordinary, who has one Hundred and fifty Pounds *per Annum*, an inferior Clerk, and a Clerk extraordinary who have each forty Pounds a Year.

Surveyor.

The *Surveyor* inſpects the Stores and Proviſions of War, in the Cuſtody of the Store-keeper, and ſees that they are ranged and placed in ſuch Order, as is moſt proper for their Preſervation. He allows all Bills of Debt, and keeps a Check upon all Artificers and Labourers Work; ſees that the Stores received be good and ſerviceable, duly proved and marked with the King's Mark, taking to his Aſſiſtance the Reſt of the Officers and Proof-maſters. For which he receives ſeven Hundred Pounds *per Annum*. He has under him the Proof-Maſter of *England* with a Salary of one Hundred and fifty Pounds *per Annum*. Two Clerks of the Fortification with ſixty Pounds a Year each, and another with forty Pounds a Year; beſides extra Clerks, as the Multiplicity of Buſineſs in Time of War ſhall require, at forty Pounds each.

The

The *Clerk of the Ordnance* records all Orders and Instructions given for the Government of the Office; all Patents and Grants; the Names of all Officers, Clerks, Artificers, Attendants, Gunners, Labourers, *&c.* who enjoy those Grants, or any other Fee for the same; draws all Estimates for Provisions and Supplies to be made, and all Letters and Instructions, Commissions, Deputations and Contracts for his Majesty's Service; makes all Bills of Impress, and Debentures for the Payment and Satisfaction for Work done, and Provisions received in the said Office; all Quarter Books for the Salaries and Allowances of all Officers, Clerks, *&c.* belonging to the Office; and keeps Journals and Ledgers of the Receipts and Returns of his Majesty's Stores, to serve as a Check between the two Accomptants of the Office, the one for Money; the other for Stores. His Salary is five Hundred Pounds *per Annum*, and one Hundred Pounds more *per Annum*, for being a Check on the Store-keeper. The Business under this great Officer is managed by six Clerks in ordinary, of whom one has one Hundred and eighty Pound *per Annum*; another one Hundred and fifty Pounds *per Annum*; two sixty Pounds *per Annum* each; one fifty Pounds *per Annum*, and one four Shillings *per* Day. And besides he has under him a Ledger-Keeper to the Out-ports, and a home Ledger-keeper, who have sixty Pounds *per Annum* each. Clerk of the Ordnance.

The *Store-keeper* receives into his Custody all his Majesty's Ordnance, Munitions, and Stores belonging thereto, and indents and puts them in legal Security, after they have been surveyed by the Surveyor; any Part of which he must not deliver without a Warrant signed by the proper Officers; nor must he receive back any Stores formerly issued, till they have been reviewed by the Surveyor, and registered by the Clerk of the Ordnance in the Book of Remains: and he must take Care that whatever is under his Custody, be kept safe, and in such Readiness as to be fit for Service upon the most peremptory Command. His Salary is four Hundred Pounds *per Annum*. And has under him three Clerks in ordinary; one with a Salary of one Hundred and fifty Pounds, and another sixty Pounds *per Annum*, and sometimes three extra Clerks at forty Pounds *per Annum* each. Store-Keeper.

Clerk of Deliveries. The *Clerk of the Deliveries* draws all Orders for Delivery of any Stores, and ſees them duly executed. He alſo charges by Indenture the particular Receiver of the Stores delivered: And, in order to diſcharge the Storekeeper, he regiſters the Copies of all Warrants for the Deliveries, as well as the Proportions delivered. His Salary is four Hundred Pounds *per Annum*, and he has under him one Clerk at one Hundred and fifty Pounds *per Annum*. Another at ſeventy Pounds *per Annum*, and ſometimes four Clerks extraordinary at forty Pounds *per Annum* each.

Treaſurer. The *Treaſurer* or *Pay-Maſter* receives and pays all Moneys, both Salaries and Debentures in, and belonging to, this Office. The Salary is five hundred Pounds *per Annum*, and he is aſſiſted in his double Employment of receiving and paying, by three Clerks in ordinary, one with a Salary of one Hundred and fifty Pounds, another with ſixty Pounds, and the third with fifty Pounds *per Annum*, and ſometimes by three extra Clerks at forty Pounds *per Annum* each.

Proof-Maſters, &c. In this Office there are likewiſe two Proof-Maſters, who have twenty Pounds a Year each: a Clerk of the Works, who has one Hundred and twenty Pounds a Year: A Purveyor for the Land, who has one Hundred Pounds a Year: A Purveyor for the Sea, who has forty Pounds a Year; an Architect, who has one Hundred and twenty Pounds a Year; an Aſtronomical Obſervator, who has one hundred Pounds a Year, and ſome other Officers.

Chief Engineer. In the Military Branch of this Office is a *Chief Engineer*, who has five Hundred and one Pounds, ſeventeen Shillings, and four Pence a Year: A Director, who has three Hundred and ſixty-five Pounds a Year: eight Engineers in ordinary, who have ten Shillings a Day each, and eight Engineers extraordinary at ſix Shillings a Day each; eleven Sub-engineers at one Hundred and ſeventy-three Pounds a Year each; and ſixteen practical Engineers at three Shillings a Day each.

Maſter-Gunner. The *Maſter-Gunner*, who holds his Place by Patent, is to teach all that deſire to learn the Art of Gunnery, and to certify to the Maſter-general the Ability of any Perſon recommended to be one of the King's Gunners. And to every Scholar admitted to learn of him the Art

of

of Gunnery, he adminiſters an Oath which binds him not to ſerve without Leave, any foreign Prince or State, and not to teach any one the Art of Gunnery, but ſuch as have taken the ſaid Oath.

The War-Office.

As for the Government and conducting of the Army it is in the *War-Office*. In which all Commiſſions are diſpatched, all Orders and Inſtructions for regulating and diſpoſing of the Soldiery are iſſued; all Complaints lodged by the Military Gentlemen; all Redreſs is to be ſought, by Way of a Court-Martial for thoſe that think themſelves injured. This Office is under the Management of the Secretary at War, who has under him a Deputy-Secretary, a firſt Clerk, and twelve other Clerks.

Militia how raiſed.

But a well ordered and well diſciplined *Militia*, or Trained-bands, is the conſtitutional Strength of this Kingdom, and eſſentially neceſſary to its Safety, Peace, and Proſperity: and as now eſtabliſhed by Act of Parliament, it is to be raiſed out of, and from, the ſeveral Counties of *England* and *Wales*, by drawing of Lots, with Permiſſion to provide a Subſtitute, according to the following Numbers of private Men in each County, *&c.*

Bedfordſhire finds	400	*Lincoln* City and County,	1200
Berkſhire	560	*Tower Hamlets*,	1160
Bucks,	560	*Middleſex*, reſt of	1600
Cambridgeſhire,	580	*Monmouthſhire*,	240
Cheſter City and County,	560	*Norfolk* and *Norwich*,	960
Cornwall,	640	*Northamptonſhire*,	640
Cumberland,	320	*Northumberland*, *Newcaſtle* upon Tyne, *Berwick*,	560
Derbyſhire,	560		
Devonſhire and *Exeter*,	1600		
Dorſetſhire and *Pool*,	540		
Durham,	400	*Nottingham* County and Town,	480
Eſſex,	960	*Oxfordſhire*,	560
Glouceſterſhire, *Glouceſter* and *Briſtol*,	960	*Rutlandſhire*,	120
Hereford,	480	*Salop*,	640
Hertford,	560	*Somerſetſhire*,	840
Huntingdon,	320	*Southampton* Town and County,	960
Kent and *Canterbury*,	960	*Staffordſhire* and *Litchfield*,	560
Lancaſhire,	800		
Leiceſterſhire,	560		

Suffolk,

Suffolk,	960	*Brecknock*,	160
Surrey,	800	*Cardigan*,	120
Suſſex,	800	*Caermarthen* Town and County	200
Warwick County, and *Coventry*,	640	*Carnarvon*,	80
Weſtmoreland,	240	*Denbigh*,	280
Worceſter City and County,	566	*Flintſhire*,	120
Wilts	800	*Glamorganſhire*,	360
York City and Weſt Riding,	1240	*Merionethſhire*,	80
York North Riding,	720	*Montgomery*,	240
York Eaſt Riding,	400	*Pembrokeſhire* and *Haverford-Weſt*,	160
Angleſea,	80	*Radnorſhire*,	120

How officered.

This Militia is thus *officered*. The Lieutenant of every County, has the chief Command of the *Militia* in his County. Theſe Lieutenants are appointed by the King: and theſe Lieutenants appoint Deputy-Lieutenants, to the Number of twenty, or more, in each County, if ſo many can be found qualified with an Eſtate of four Hundred Pounds *per Annum*; and give Commiſſions to Lieutenant-Colonels, and Majors qualified with an Eſtate of three Hundred Pounds *per Annum*, or Heir-apparent to ſix Hundred Pounds; to Captains, if poſſeſſed of two Hundred Pounds *per Annum*; to Lieutenants poſſeſſed of one Hundred Pounds *per Annum*; to Enſigns poſſeſſed of fifty Pounds *per Annum*; and one Moiety of the ſaid Eſtate, in all theſe Caſes, lying within the County. But the King may diſplace any Deputy-Lieutenant, (as was the Caſe of Mr. *Wilkes* in *Buckinghamſhire*) or any other Officer. If not any Officer may be diſcharged at the End of four Years.

There is no more than one Captain, one Lieutenant, and one Enſign allowed to eighty private Men. And the Lieutenants and Deputy-Lieutenants are to ſettle the Number to be raiſed, in each Pariſh, within their reſpective Commiſſions; and cauſe thoſe, that are choſen by Lot, to take the Oaths. And every private Man ſerving for himſelf, is exempted from Statute Work, from ſerving Peace or Pariſh Offices, or in the regular Forces; neither is he obliged to ſerve again 'till it comes to his turn by Rotation; and married Men who have perſonally ſerved in the *Militia*, if called out in Caſe of Invaſion

Privileges of private Men.

vaſion, or Rebellion, are intitled to the ſame Privileges of ſetting up Trades in any Place of *Great Britain* or *Ireland*, as by 22 *Geo.* II. is granted to Mariners and Soldiers.

How formed.

Theſe Men ſhall be formed in each County, into Regiments, conſiſting of not more than twelve, nor leſs than ſeven Companies of forty Men each. And the Militia thus formed under Commiſſioned and Non-commiſſioned Officers to each Company, are to be exerciſed once every Year, on *Tueſday*, *Wedneſday*, and *Friday* in *Whitſun* Week in whole Regiments. And on the firſt *Monday* in *March*, *April*, *May*, *June*, *July*, *Auguſt*, *September* and *October*, they ſhall be exerciſed in half Companies. And on the third *Monday* in *October* in Companies. Provided that no Man ſhall be exerciſed in half Company or Company, more than ſix Miles from his own Houſe.

In Counties where the Militia do not amount to ſeven Companies, they ſhall be formed into a Battalion, under the Lieutenant, and one Field-Officer, one Adjutant, who ſhall be a Subaltern in the Army, a Serjeant-Major, a Drum-Major, and a Clerk ſhall be appointed them, and they ſhall be exerciſed as a complete Regiment. And where a whole Company or Half a Company cannot be brought together, they may be exerciſed in ſmaller Numbers, as the Lieutenant or Deputy ſhall direct.

Arms and Cloaths.

The Arms and Cloaths of the Militia ſhall be carefully kept by the Captain of each Company in Cheſts, provided by the Pariſh where they are depoſited. But the King's Lieutenants, or the Colonels, may ſeize, and remove whither they ſhall think proper, the Arms, Cloaths and Accoutrements, when neceſſary for the public Peace.

It is ſpecially provided, That the *Militia* Men are to be ſubject in Military Affairs to their own Officers; and in Civil, to the Civil Magiſtrate.

When obliged to march.

In caſe of actual Invaſion, or upon imminent Danger thereof, and in Caſe of Rebellion, the King firſt notifying the Occaſion to Parliament, if then ſitting, or in their Receſs, to the Privy-Council, and to the People by Proclamation, may direct the Lieutenants, or any three Deputy-Lieutenants, to draw out their Regiments,

who

who ſhall march, by his Majeſty's Order, to any Part of the Kingdom, under the Command of ſuch Generals, as he ſhall appoint, receiving during the Service, the ſame Pay, with the regular Regiments of Foot; and the Officers holding the ſame Rank with the regular Officers of the ſame Denomination. But ſhall not, on any Occaſion, be compelled to go out of the Kingdom. And in caſe any Man ſhall be wounded, he ſhall be intitled to the Hoſpital at *Chelſea*.

This is making a great Progreſs towards ſetting a national Militia upon a reſpectable Footing. But had it been eſtabliſhed upon the firſt Propoſal of raiſing 60,000 Men, and had the City of *London*, and ſome other chartered Places been obliged to conform to the Militia Act, the national internal Strength would have increaſed in Proportion, and the *Train-Bands* not have been ſo uſeleſs and deſpicable, as we ſee thoſe in *London*, *&c.* where neither Order, nor Diſcipline is obſerved: and their Days of Exerciſe, are become Days of Drunkenneſs to themſelves, and of Sport and Ridicule to the Spectators.

Having given the true State of the People in their ſeveral Ranks, States and Conditions, we ſhall now view them in their ſocial Capacity, as Members of one polital Body, governed by Laws under one Head, and thereby protected in their Property and Perſons, and made ſubordinate and uſeful to each other.

The State of the LAWS.

Laws. THE Laws of *England* are the Meaſure of the Royal Power, and the Rule of the Subjects Obedience. By theſe Sovereigns govern, and by theſe the People are maintained in their juſt Rights, and kept in due Submiſſion to the Powers in Being. As the providential meeting together of Mankind in one Country becomes a great Body conſiſting of Head and Members: ſo the Laws are the Sinews to tie together that Head and Body, and to enable them to act for the Benefit of each other, and without which they would be at continual Variance,

ance, and preying upon one another. This is the Rudder by which every Common-wealth is ſteered. The Laws are the Peoples' Bulwark to keep them in Safety and Peace, and from all Injuſtice: and the Sovereign's Defence and Protection againſt all Diſorders, Diſobedience and Violence.

Thus the Laws are an eſſential Part of our happy Conſtitution; and of ſuch a Nature, that, at all times, the cry of the People has been *nolumus Leges Angliæ mutari*, i. e. *we will not have our Laws changed*, when arbitrary Power has been making forcible Incurſions upon our Liberty. Eſſential to our Conſtitution.

We ſhall principally divide the Laws of *England* into *Common* and *Statute*, and give ſuch further Account of the *Civil*, *Canon*, and *Martial* Laws, as fall within the preſent State of this Nation. How divided.

The *Laws* of *England* have in them this Singularity, That they are not derived from any foreign Legiſlations, either Canon, Civil, or other: but they are ſpecial Laws appropriated to this Kingdom; and beſt accommodated to the Genius of the People, and the Nature of our Government. Origin.

The *Common Law* is the moſt general and ancient Law of *England*; a Law eſtabliſhed not only beyond the Memory of Man, but of Records alſo: founded upon the immutable Light and Law of Nature, agreeable to the Law of God, requiring Order, Government, Subjection, Protection, *&c.* containing ancient Uſages; and called *Common*, becauſe it was the common Right of all the People; and, therefore, we find that this Law is ſometimes called *Rectum* or *Common Right*; foraſmuch as it is the beſt and moſt common Birth-right of *Engliſhmen*, for the Safe-guard, and Defence, not only of their Goods and Lands; but of their Wives, and Children, Bodies, Reputation and Lives alſo. The Common Law.

This *Common Law* is ſometimes called *Liberties*; becauſe it made us *free*, and preſerves our Freedom; as witneſſeth *Magna Charta*, or, as commonly called, our *Great Charter of Liberties*; wherein our Rights by common Law were ſummed up and acknowledged to be the Birth-right of the *Engliſh*.

Hence it is, that we find the Word *Cuſtom* is taken for the *Common Law*. Thus we ſay the general Cuſtom of *England*

England is ſynonimous with the common Law of *England*.

Though it muſt be confeſſed, that many Things might and were added to the ancient common Laws of this Nation by the *Saxons*, *Danes*, and *Normans*; ſo that in every Conqueſt there were ſome of their Cuſtoms intermixed with the old Laws. It is as certain that the *common Laws* of *England* were ſo fitted and accommodated to the Genius and Diſpoſition of the People, and were ſo co-natural to the Nation, that it was not in the Power of the Conquerors to deprive them of what they maintained, as their Birth-right. And with a great deal of Reaſon: becauſe the Judgement and Reaſon of this Law is more certain than of any other human Law in the World; not only in regard to their Wiſdom and Policy; but alſo becauſe this Law provides for, and meets with almoſt all Caſes that can poſſibly fall out in our Commonwealth; and the Grounds of it are ſo plain and clear, that they do not require ſo many Comments or Explanations, as other Laws; whoſe Multiplicity of Gloſſes, increaſe Doubts, and perplex the Underſtanding. Which is confirmed by Sir *Edward Cooke*, who writes, "That, "if all the Reaſon that is diſperſed into ſo many ſeveral Hands, were united in one; yet could he not "make ſuch a Law, as this Law of *England* is: becauſe by many Succeſſions of Ages it hath been fined "and refined by an infinite Number of grave and "learned Men; and by long Experience grown to ſuch "a Perfection for the Government of this Nation, as "the old Rule may be juſtly verified, *Neminem oportet "eſſe ſapientiorem Legibus*, i. e. *No one ſhould conceit himſelf "to be wiſer than the Laws.*" And by King *James* I. who, bred under the Diſtribution of the Civil Law in *Scotland*, and well read and experienced in the Laws of Nations, was pleaſed, in a Speech of his, to declare, "That he was able to prove, That the Grounds of the "common Law of *England* are the beſt of any Laws in "the World, either Civil, or Municipial, and the fitteſt for the People of *England*."

It will not be neceſſary to run over the Particulars, which would prove that the common Law of this Land is grounded on the Law of Nature and the Law of God, which are the Root and Touch-ſtone of all good Laws:

But

But it is worthy of Attention, to be informed, that the the Cuſtoms of the Realm is the Ground of the Court of *Chancery*, *King's-Bench*, *Common Pleas*, *Exchequer*, *County Courts*, *Sheriff Turn*, *Court Baron*, and Court of *Pye-Powders*, &c. Some Statutes indeed mention theſe Courts: But there is no Statute or Law written in the Laws of *England*, that mention the Commencement or Beginning and firſt Inſtitution of all or any of theſe Courts. Which Ground and Beginning of them depend upon the Cuſtom of the Realm. Neither can theſe Courts, and their Authority, nor their Names be altered or changed, but by Parliament.

General Cuſtoms.

It is a Cuſtom to be obſerved in all Courts, That no Man ſhall be taken, impriſoned, diſſeiſed, or otherwiſe deſtroyed; but be put to anſwer by the Laws of the Land. And all Men great and ſmall ſhall do and receive Juſtice in the King's Courts. The Laws of Deſcent and Inheritance are eſtabliſhed by Cuſtom on the common Law of the Realm. But theſe general Cuſtoms are ſo well known, that we ſhall paſs to thoſe Cuſtoms, which are peculiar to divers Counties, Cities, Boroughs, Towns, Manors and Lordſhips, and in ſome Particulars may be ſaid to differ from the general Cuſtoms of the Realm, or Maxims of the Law; yet, having been uſed and allowed Time out of Mind, without lawful Interruption, they are taken in ſuch particular Places for, and have obtained the Force of Law.

Gavelkind.

There is a Cuſtom in the County of *Kent*, called *Gavelkind*, as if it was ſaid, *Give all Kind*; which is an Exception to the common Law of Inheritance. For by this *Kentiſh* Cuſtom all the Sons are Heirs alike to their Father's Eſtate, and inherit in the ſame Manner as Siſters, Co-heireſſes, do by common Law. Again by the Cuſtom of *Wareham* in the County of *Dorſet*, both the Males and Females have a Right equally in the Partition of Lands and Tenements.

To perpetuate Evidence in London.

There is a Cuſtom in the City of *London*, that the Mayor, Recorder, or any of the Aldermen, being a Juſtice of the Peace, may take the Depoſitions of any Perſon produced before them *in perpetuam rei memoriam*, on the Behalf of any Perſon: and that ſuch Depoſitions ſhall be recorded there to perpetuate the Evidence of ſuch Perſon; and ſuch Depoſitions ſo taken for any Perſon, and

and given there in Evidence, ſhall be good Evidence to a Jury, to induce the Conſcience of any, and to enforce the Truth.

Cuſtom of Euborne. The Manors of *Eaſt* and *Weſt Euborne*, in the County of *Berks*, have this Cuſtom, That the Widow of a Copyhold Tenant hath her Free-bench in all his Copyhold Lands, while ſhe continues a Widow and chaſte. But if ſhe be guilty of Incontinence, then ſhe forfeits her Widow's Eſtate. Yet after this is proved, if ſhe come to the next Court held for the Manor, riding backwards, with her Face to the Tail, on a black Ram, with his Tail in her Hand, and ſay the Words following, the Steward of the Manor is bound by the Cuſtom of the Lordſhip, to re-admit her to her free Bench; the Words are theſe,

Here I am, riding upon a Black Ram,
Like a Whore as I am,
And for my Crincum Crancum,
Have loſt my Binchum Banchum;
And for my Tail's Game,
Am brought to this worldly Shame.
Therefore, good Mr. Steward,
Let me have my Land again.

At Tor. The like Cuſtom is in Force in the Manor of *Tor* in *Devonſhire*; at *Kilmerſdone* in *Somerſetſhire*, and ſome other Places in the Weſt.

At Coleſhill. *Blount* in his Account of ancient Tenures, records this ancient Cuſtom at *Coleſhill*, *Warwickſhire*, That if the young Men of the Town can catch a Hare, and bring it to the Parſon of the Pariſh before ten of the Clock on *Eaſter Monday*, the Parſon is bound to give them a Calve's Head, and a hundred of Eggs for their Breakfaſt, and a Groat in Money.

Burrough Engliſh. In ſome Boroughs it is the Cuſtom for the youngeſt Son to inherit and be Heir to his Father's Eſtate, though his elder Brothers are alive. Which Cuſtom is called *Burrough Engliſh*; becauſe it is ſaid to be the firſt Method of inheriting in *England*. And in the Year-Books there is mentioned a ſpecial kind of *Burrough Engliſh*, namely, That the Eſtate ſhall deſcend to the younger Son, if he be not of the Half-blood; and if he

be, then to the eldeſt Son. And within the Manor of *B.* in the County of *Berks*, where there is no Son left, the eldeſt Daughter does only inherit her Father's Eſtate: and if there be neither Son nor Daughter, then the eldeſt Siſter of the deceaſed, and ſometimes the youngeſt, inherits.

Minſtrels in Cheſhire Licenced by Mr. Dutton.

By the Statute of 39 *Eliz.* ch. 4. Fidlers are declared to be Vagrants, or Rogues: but by a ſpecial Proviſo in that Act, the Fidlers or Minſtrels in *Cheſhire*, licenſed by *John Dutton* of *Dutton*, are exempted from that infamous Title, in reſpect to his Right by ancient Cuſtom. The Heir of which ancient Family, in the 14 *Henry* VII. being called upon by a *Quo Warranto*, to ſhew why he claimed all the Minſtrels of *Cheſhire*, and of the City of *Cheſter*, to appear before him at *Cheſter* yearly, on the Feaſt of St. *John Baptiſt*, and to give him at the ſaid Feaſt four Gallons of Wine and a Lance, and each Minſtrel to pay him four Pence Halfpenny; and why he claimed for every Whore in *Cheſhire*, and the City of *Cheſter*, (*Officium ſuum exercente*) four Pence yearly at the ſaid Feaſt, *Lawrence Dutton*, Eſq; did plead Preſcription; and his claim was confirmed. From which Time the Heirs of the *Duttons* of *Dutton* peaceably and quietly enjoyed the ſame Power and Authority over the Minſtrels of *Cheſhire*, and kept a Court every Year upon the Feaſt of St. *John Baptiſt*, the Fair-Day at *Cheſter*, when all the Minſtrels of the County and City did attend and play before the Lord of *Dutton*, upon their ſeveral Inſtruments, he or his Deputy then riding through the City, thus attended, to the Church of St. *John*, in Cavalcade with many Gentlemen of the County accompanying him, and a Man walking firſt in a Sur-coat of the *Dutton*'s Arms painted on Silk. Service being ended, the Court began at a convenient Place in the City, where old Licences were renewed, and new Licences were granted; none preſuming to exerciſe that Faculty or Way of Life, in that County and City without his Licence. *See* Placita ap. *Ceſtrium* 14 *H.* VII. 43 *Eliz.* ch. 9. *Blount*'s ancient Ten. p. 157, 158.

Statute Law.

The *Statute Law* conſiſts of thoſe Laws, which have from time to time, ſince the Beginning of Parliaments, been added by the Legiſlature, either by Way of Amendment or Explanation, of what has been thought either

defective, or not ſufficiently underſtood in the Execution of the Common Law; and which, in ſome Caſes, have introduced new Forms of Trial, and conſtituted and eſtabliſhed Courts not known to the Common Laws of this Realm: ſuch as the Laws of *Exciſe*, and their Method of Trial without Juries; the Law of *Bankrupts* determined by Commiſſioners; *Courts Martial*, and *Courts of Conſcience*, or *Courts of Requeſts*, for the Recovery of ſmall Debts; beſides the extraordinary Powers given to Juſtices of the Peace by the Statute Law.

Civil Law. The *Civil Law*, though not practiſed in our Courts at *Weſtminſter*; yet as it is looked upon to be the *Law of Nations*, and to be the Product of the Common Reaſon of Mankind, and made Uſe of in moſt other civilized Nations as their common Law, it has been thought proper to proceed by this Law in our Court of Admiralty, in the ſpiritual Courts, in the Earl Marſhal's Court, or Court of Chevalry, and in our Treaties with foreign Princes; thoſe being Caſes of which neither the Common, nor Statute Law can take any Cognizance.

Canon Law. *Canon Law* in its own Nature relates merely to Religion; and conſiſts of *Canon*, Injunctions or *Rules* enacted by general Councils, Popes, and ſuch *Engliſh* Synods, as are conſonant to holy Writ, and not repugnant to the Laws and Cuſtoms of this Realm, whoſe Uſe is confined to the *Spiritual Court*.

Alterations in the Law. It muſt not here be underſtood that the Laws of *England* were, or poſſibly can be ſo perfect and fixt as to be unalterable, Experience teacheth that the ſame Law does not ſuit every Place and Generation; and that no Law ſhould be allowed, but ſuch as conduce to the public Good; the very End for which all Laws are, or ought, to be made: Therefore, we have ſeen that when a Law or Statute has been found deſtructive to thoſe Ends, for which it had been enacted, that it has been repealed and abrogated by the ſame Legiſlative Power, that created the Law. For it has been found, that no Laws or Men, how tranſcendent ſoever, are either in their preſent Times ſo well balanced, or againſt the Neceſſity of emergent Changes and Accidents, ſo omniſciently provided for; but there will need ſome, either Repeal, Mitigation, or Explanation of them, and to fix their true Intent and Meaning; as could be exemplified in many

many Caſes of great Intereſt and Conſequence to this Nation.

The Laws eſtabliſhed are executed by a Lord High Chancellor, and twelve Judges in the Courts at *Weſtminſter*, and by Chancellors and the Judges of inferior Courts, according to the Tenor of their reſpective Patents or Grants from the Crown, or the Juriſdiction claimed by Preſcription, or granted by Acts of Parliament. How executed.

In the *Court of Chancery*, or the *Court of Equity*, in which the Lord High Chancellor preſides, the Judge is inveſted with a Power to moderate the written Law, governing his Judgment purely by the Law of Nature and Conſcience, and ordering all Things according to Equity and Juſtice. This is the grand Court of Equity and Conſcience, inſtituted to moderate the Rigour of the other Courts, that are bound to the ſtrict Letter of the Law. Court of Chancery.

The Juriſdiction of this Court is two-fold, *ordinary* or *legal*, and *extraordinary* or *abſolute*. The *ordinary* Juriſdiction is that, wherein the Lord Chancellor is bound to obſerve the Order and Method of the *Common Law* in his Proceedings and Judgment: in ſuch Caſes the Proceedings are filed or enrolled in the *Petty-bag-Office*: And the *extraordinary* or unlimitted Power is that Juriſdiction, which the Court exerciſes in Caſes of Equity, wherein Relief is to be had by Bill and Anſwer. Its Juriſdiction.

The *ordinary Court* holds Plea of Recognizances acknowledged in the Chancery; Writs of *Scire Facias* for Repeal of the King's Letters Patents, *&c.* Alſo all perſonal Actions by or againſt any Officer of the Court, and of ſeveral Offences and Cauſes by Act of Parliament; all original Writs, Commiſſions of Bankrupts; of Charitable Uſes, of Idiots, Lunacy, *&c.* are iſſued from hence. Proceedings.

The *extraordinary Court* gives Relief for and againſt Infants, notwithſtanding their Minority; for and againſt married Women, notwithſtanding their Coverture. All Frauds and Deceits, for which there is no Redreſs at Common Law, all Breaches of Truſt, Confidences and Accidents, as to relieve Obligers, Mortgagers, *&c.* againſt Penalties and Forfeitures, where the Intention was to pay the Debt, are here remedied.

What is not cognizable.

But in all Caſes where the Plaintiff can have his Remedy at Law, he ought not to be relieved in Chancery. And a Thing which may be tried by a Jury, is not triable in this Court.

The Court of Chancery will not retain a Suit for any Thing under ten Pounds value; except in Caſes of Charity; nor for Lands, *&c.* under forty Shilling *per Annum.*

In this Court all Patents, moſt Sorts of Commiſſions, Deeds between Parties touching Lands and Eſtates, Treaties with foreign Princes, are ſealed and enrolled. And out of it are iſſued Writs to convene the Parliament and Convocation; Proclamations and Charters, *&c.* do alſo paſs through this Court.

In the Court of Chancery we find alſo theſe Officers, *The Maſter of the Rolls*, *Maſters in Chancery*, and *Six Clerks.*

Maſter of the Rolls.

The Maſter of the Rolls holds his Office by Patent for Life, and is an Aſſiſtant to the Lord High-Chancellor, in whoſe Abſence, he ſits as Judge in the High Court of Chancery. At other Times he hears Cauſes in the Rolls Chapel, and is aſſiſted by the Maſters in Chancery. But all Hearings before him are appealable to the Lord Chancellor. He is ſummoned to Parliament, and ſits next to the Lord Chief Juſtice of *England*, on the ſecond Woolpack. He keeps all the Parliament Rolls, and all Charters, Patents, Commiſſions, *&c.*

Maſters in Chancery.

The *Maſters in Chancery* are Aſſiſtants to the Lord Chancellor, and Maſter of the Rolls during Term-Time. To them is committed interlocutory Reports, the ſtating of Accounts, taxing of Coſts, *&c.* and ſometimes by way of Reference they are impowered to make a final Determination of a Cauſe. They have, Time out of Mind, had the Honour to ſit in the Houſe of Lords, in the ſole Right of being Aſſiſtants to the Lord Chancellor, and Maſter of the Rolls. And they are employed by the Lords to carry their Meſſages to the Houſe of Commons. They are twelve in Number, and before them Affidavits are made, and Deeds and Recognizances acknowledged.

Six Clerks.

The *Six Clerks* are Officers of great Account, next in Degree to the twelve Maſters in Chancery; whoſe Buſineſs is to enroll Commiſſions, Pardons, Patents, War-

rants, &c. which pass the Great Seal. They are also Attornies for Parties depending in the Court of Chancery: under whom were sixty, now ninety Clerks, who, with their under Clerks, dispatch the Business of the Office.

Here is a *Clerk of the Crown* also. A Place of great Importance. Who in Person, or by Deputy, is obliged constantly to attend the Lord Chancellor or Keeper, upon special Matters of State: and he hath a Place in the House of Lords. His Duty is to make out all Writs for Elections for Members to serve in Parliament, upon a Warrant directed to him, on the Death or other Removal of a Member: and he makes out all Commissions of *Oyer* and *Terminer*, *Goal Delivery*, Commissions of Peace, &c. that are to pass the Great Seal. All Parliament Writs, that are sent from the Petty-bag Office are returned and kept by the Clerk of the Crown; so that the Petty-bag gives, as it were, the Beginning, this the Continuance and Ending to Parliament: And thus, the Clerk of the Crown in Chancery acts in three Capacities; before the Sitting of Parliament, to receive Returns of Writs: in Parliament, for issuing of Writs; and, in the Lords House, he reads the Titles of Bills to be presented to the Sovereign. Clerk of the Crown.

The *King's Bench*, nevertheless, is the supreme Court of Law in this Realm; and is so called from the *Saxon* Word *Banca*, a Form or Bench to sit on, and from a Custom that the Kings of *England* had to sit on the Bench, at the Head of this Court, in ancient Times: And also it is so stiled, because all judicial Records are here *coram Rege*, or in Presence of our Sovereign Lord the King: And the Writs returnable in this Court, are returnable *before Us* the King at *Westminster*. This Court originally was called *Aula regia:* because it was kept in the *King's-Hall*; used to follow the King's Court, and was removeable at the King's Pleasure. But has for many Ages been fixt and settled, where it is now kept in *Westminster-Hall*. King's Bench.

This Court takes cognizance of all Pleas of the Crown, or of all Matters, that are against the Crown and Dignity of our Lord the King: and these Pleas are divided into High Treason, Mis-prison of Treason, Petit Treason, Felony, Rape, Murder, &c. and their Accessaries. Its Jurisdiction.

Which Pleas of the Crown may be held between common Perſons; as an Appeal of Murder, Robbery, Rape, Felony, Mayem, *&c.*

This Court hath not only Juriſdiction to correct Errors in the judicial Proceedings of other Courts of Record both in *England* and *Ireland*, (except the Common Pleas in *Ireland*, and the Court of Exchequer in *England)* but alſo other Errors and Miſdemeanors extra-judicial, tending to the Breach of the Peace, Oppreſſion of the Subjects, or raiſing of Faction, Controverſy, Debate or any other Manner of Miſ-government.

This Court alſo grants Prohibitions to both ſpiritual or eccleſiaſtical, and to temporal Courts, to keep them within their proper Juriſdictions; and can bail any Perſon for any Offience. It can hold Plea by Writ out of Chancery returnable here, of all Treſpaſſes done *by Force and Arms*, of Replevies, *Quare Impedit*, forcible-Entry, *&c.* And to hold Plea by Bill for Debt, Detinue, Account-trover, and Converſion; and all Sorts of Actions upon the Caſe, upon Promiſes, Bargains, *&c.* It holds Plea of ſpecial Nuiſances, and all other perſonal Actions, Ejections, *&c.* It frequently proceeds on Indictments found before other Courts, and removed into this by *Certiorari*. And Writs of *Quo Warranto* are iſſued out of this Court againſt Bodies corporate, or any Party claiming, or exerciſing illegal Juriſdiction, or exceeding their Charters; and Writs of *Mandamus* for reſtoring Officers in Corporations, *&c.* unjuſtly turned out, or denied their legal Admiſſion, and alſo for reſtoring Freemen wrongfully diſfranchiſed.

Errors in this Court of King's-Bench cannot be reverſed but in Parliament, except in ſuch Caſes, as are excepted by the Statute of 27 *Eliz.* ch. 8. and 31 *Eliz.* ch. 1.

Juſtices of this Court.

The *Juſtices* of this Court, *viz.* the Chief and three Puiſne Juſtices, are the Sovereign Juſtices of *Oyer* and *Terminer*, Goal Delivery, Conſervators of the Peace, *&c.* within this Realm, and the Sovereign Coroners of the Land. The Chief Juſtice of the *King*'s-*Bench*, by the Law Books, is ſtiled, The ſupreme Coroner of all *England*. And ſo ſupreme is the Juriſdiction of this Court, That if any Record be removed into this Court, it cannot be remanded back, unleſs it be by Act of Parliament.

The

The Buſineſs of this Court being too much for Diſpatch by it alone, and it becoming impoſſible to determine all Cauſes cognizable therein, the *King's-Bench* committed or delegated Part of its Power to other Perſons, and other Places, that Juſtice might be more expeditiouſly adminiſtered to the People. Thus aroſe the *County-Court* for the Relief of a whole County; the *Hundred-Court* for the Hundred, and the *Court Baron* for a Town or Lordſhip; from each of which Courts, there lies a Right of Appeal to the *King's-Bench*. Delagated Power to other Courts.

The Power of the Judges in this Court is *original* and *ordinary*; not by Commiſſion or delegated. The *Chief Judge* or *Juſtice* of this Bench is ſtiled by the Records *Aldermanus totius Angliæ*: which the *Normans* interpreted *Juſticiarius*, or *Juſticiary* of ALL *England*; whom we now call the *Chief Juſtice of England*. Power of the Judges.

The ſubordinate Officers of this Courts are the *Clerk of the Crown*, who ſits at the Feet of the Judges; and whoſe Office is to frame, read and record all Indictments againſt Traytors, Felons, and other Offenders, arraigned or indicted upon any public Crime. On the ſame Bench, on his Right Hand, ſits his Secondary, who takes Minutes of all Motions, Orders, *&c.* moved and made in Court on the Crown Side. And this *Clerk of the Crown* has his particular Office, called the *Crown Office*; in which Informations, Indictments, *&c.* for Treaſons, Felonies, Batteries, Riots, Treſpaſſes, unlawful Aſſemblies, forcible Entries, Repair of Highways, Nuiſances, *&c.* are exhibited and entered. Clerk of the Crown. Crown Office.

The next Officer is the chief *Clerk* or *Maſter* of the *King's-Bench Office*, whoſe Seat is on the Left-hand of the Clerk of the Crown; who, or his Secondary, or Clerks write all Pleadings and Declarations, and other proceedings upon Record. His *Secondary* is obliged to attend the Court always; becauſe the Judges frequently refer to him ſeveral Buſineſſes to be examined; of which he is to make a Report. He alſo ſigns all Judgments, and taxes Coſts thereon; and alſo upon *poſteas* after Trials, and in other Caſes. And he gives all Rules to anſwer and reply, and to go to Trial for *Proviſo*. And the Maſter of this Office has alſo a Deputy that ſigns all *Latitats*, and other Writs ſignable; who conſtantly at- Maſter of the King's-Bench.

tends his Office, and has the keeping of Monies as ſhall be paid into Court.

Cuſtos Brevium. There is alſo an Officer ſtiled *Cuſtos Brevium*, i. e. *Keeper of the Writs*, or *Warrants*, whoſe Buſineſs is to file all original Writs, and the Writs, wherein you proceed againſt any Perſon you intend to ſue. He has ſeveral Clerks; amongſt whom are divided the ſeveral Counties of this Realm, in Order for them to make up all Records of *Niſi Prius*, for Trial at the Aſſizes, *&c.* In this Office alſo are kept the Remembrances of all Records; Writs returned, *poſteas* and Writs of Error are filed; and commons Bails, and ſpecial Bails, after being accepted by the Plaintiff's Attorney are filed and recorded. He is alſo Clerk of the Eſſoigns and Warrants of Attorney.

Clerk of the Rules. The *Clerk of the Rules* is the next Officer in this Court, who, or his Deputy muſt attend the Court, and take Minutes of all Rules and Orders (except thoſe on the Crown Side) made in Court; and he muſt draw them up at large, and enter them in a Book for that Purpoſe. He alſo reads Affidavits in Court, and takes Copies of them, if he thinks proper.

Clerks of the Papers. Two *Clerks of the Papers*, who have the Alphabet divided between them. They draw up all ſpecial Pleadings and Demurrers; and by Virtue of their Office give a Rule on the Side of the Paper-Book, to the Defendant's Attorney, to bring the ſame again to him to be entered within four Days, otherwiſe Judgment to go by Default. Theſe Clerks always attend the Court, and read the Paper-Books in Court, when called upon.

Keeper of the Seal. The other Officers are the *Keeper of the Seal and Sign* of the Bills of *Middleſex*, who keeps a Book and enters the ſame therein: The Keeper of the Files of Declarations, with whom they are filed. And he enters the Plaintiffs and Defendants Names in a Book; where an Attorney makes ſearch to find whether a Declaration be filed or no againſt a Man. The *Clerk of the Errors*, who allows all Writs of Error and makes ſuperſedeas therein; and does tranſcribe and certify the Records of ſuch Caſes, as the Writs of Error are brought upon, into the Exchequer; if the Cauſe or Action be by Bill. The *Clerk of the Bails*, with whom the Bails Pieces written on Parchment are filed. The *Clerk of the Poſteas*, who

Clerk of the Errors.

Clerk of the Bails.

Clerk of Poſteas, &c.

who receives, marks, and files them. The *Clerks of the Remembrances* and *Dockets*, with whom search is to be made for Entries of Judgments, &c. Two *Clerks* of the *Treasury*, where the Records are kept: who have the charge of them, and make out Copies, when required: *Phylisers* for each County in *England*, who make out all Writs, wherein it is intended to proceed by Original, and so to the Out-lawry; except the Original itself, which is to be made by the Cursitor of the County, where the Action is laid: The Marshal of the King's-Bench, who hath the Custody of all Prisoners, sued in this Court; and who, or his Deputy, is to attend the Court every Day in Term Time, to take Prisoners into Custody, when any are committed, or bring them to Court, when there shall be Occasion: A *Head Cryer*; two *Under Cryers*; two *Ushers*; four *Tip-staves*; and a *Porter* to bring Records, &c. into Court, and to carry them away. The last Officer I shall mention, is the *Keeper of the Seal*, who seals all the Writs issuing out of this Court with green Wax, and enters the Name of the Clerk, that is set to the Back of the Writs, that he seals, into a Book kept for that Purpose.

Clerks of the Remembrance.

Clerks of the Treasury.

Phylisers.

Other Officers.

The Court of *Common Pleas* is so called, because the Pleas among the Subjects at Common Law are here argued and tried. It is the Lock and Key of the Common Law, in Common or Civil Pleas: for herein are real Actions, whereupon Fines and Recoveries (the common Assurances of the Realm) do pass; and all other real Actions by original Writs are here to be determined.

Court of Common Pleas.

If we enquire into the Origin of this Court, we shall find that it was created by Custom, beyond the Memory of any History. It is the King's-Court; was moveable and followed the King's Residence: but has been fixed in *Westminster Hall*, by the Statute of *Magna Charta*.

Origin.

All Writs returnable into this Court, are returnable before *our Justices of the Common Pleas* at *Westminster*: and the Jurisdiction of this Court is general, and extendeth throughout all *England*; and further this Court, without any Writ, may, upon a Suggestion, grant Prohibitions to keep temporal, and ecclesiastical, or spiritual Courts within their Bounds or Jurisdiction, without any Original or Plea depending. For the Common Law, which

Jurisdiction.

which in these Cases is a Prohibition of itself, stands instead of an Original.

Judges. This Court consists of a *chief* and *three other Justices:* and according to the strict Law of the Land, and ancient Custom, all Civil Causes, as well real as personal, should be tried in this Court. In personal and mixed Actions, it has a concurrent Jurisdiction with the *King's-Bench*, but has no Cognizance of Pleas of the Crown.

Serjeants at Law. This is the Court appointed for *Serjeants at Law*, or *of the Coif*, to plead in. But they are not restrained from pleading in any other Court. This Serjeantry is the highest Degree taken at the Common Law, and answers to the Degree of a Doctor of the Civil Law. They are created by the King's Writ, commanding them to take upon them that Degree therein assigned under a great Penalty. And as no Judge can have that Honour confirmed, till he has taken the Degree of a Serjeant at Law; the Judges in every Court where the Serjeants plead, call them Brothers.

Oath. These Serjeants take an Oath, says *Coke*, (2 Instit. p. 214.) *as well and truly to serve the People* (whereof the Party accused is one) *as the King himself, and to minister the King's Matters duly and truly after the Course of the Law to their Cunning*; not to use their Cunning and Craft to hide the Truth, and destroy the accused, if they can. They are obliged by the Statute of *Westminster*, 1 *Chap.* 29 Sect. to put no Manner of Deceit or Collusion upon the King's Court, nor secretly to consent to any such Tricks, as may abuse or beguile the Court, or the Party, be it in Causes civil or criminal, under Penalty of suffering one Year's Imprisonment; never more to be admitted to plead in any Court, and other Penalties according to the Grievousness of their Offences. And the ancient Law Book called the *Mirror of Justice*, says (ch. 2. sect. 4.) "That every Serjeant-pleader is chargeable by "his Oath, not to maintain or defend any Wrong, or "Falsehood to his Knowledge; but shall leave his Cli- "ent, when he shall perceive the Wrong intended by "him: also that he shall not move or proffer any false "Testimony, nor consent to any Lies, Deceits, or Cor- "ruptions whatsoever in his Pleadings."

Practice. The Actions belonging to this Court of *Common Pleas*, come thither by Original, as Arrests and Out-lawries; or

or by Privilege, or Attachment for or againſt privileged Perſons; or out of inferior Courts, not of Record, by *pone*, *recordari*, *accedas ad Curiam*, writ of falſe Judgment, *&c.*

The Officers of this Court, below the four Judges, are the *Cuſtos Brevium*, or Keeper of the Writs, or Warrants, who is the firſt Clerk; and he is alſo to receive and keep all Writs, and to put them upon Files, every Return by itſelf. And he is alſo to receive from the Prothonotories all the Records of *Niſi Prius*, and *Poſteas* returned thereon, after the Verdicts and Judgments are entered. And he makes entry of Writs of Covenant, and the Concord of every Fine: The *Chynographer*, or *Engroſſer of Fines* acknowledged in this Court, into a perpetual Record: The *Clerk of the Treaſury*, who is charged with the Cuſtody of the Records of this Court, and makes out all Records of *Niſi Prius*, is paid for all Searches, certifies all Records into the *King's-Bench*, when a Writ of Error is brought, and makes all Exemplications of Records under his Care. He has a Secondary or Under-clerk, and an Under-keeper: The *Clerk* of the *Inrollments* of Writs for Fines and Recoveries: The *Clerk of the Out-lawries*, who makes out the Writs of *Capias Utlegatum* upon Return of the Exigents brought in to him: The *Clerk of the Warrants*, who enters all Warrants of Attorney for Plaintiff and Defendant, and inrolls all Deeds of Bargain and Sale acknowledged before the Judges of the Court in Court, or before any Judges out of Court; and he eſtreats into the Exchequer all Iſſues, Fines, and Americaments, which any way grow due to the King in this Court: The *Clerk of Eſſoin*, who keeps the Eſſoin Roll: The *Clerk of the Superſedeas*, an Office granted by Letters Patent under the Great Seal of *England*, who makes Writs to ſuperſede the Out-lawries of Perſons outlawed: The *Clerk of the Juries*, who makes out the Writs of *Habeas Corpus* and *Diſtringas*, for the Appearance of the Juries, after the Jury or Impannel is returned upon the *venire facias*: The *Clerk of the King's Silver*, to whom the Fine is brought after it hath been with the *Cuſtos Brevium*: The *Clerk of Errors*, who makes every *Superſedeas* upon Writs of Error, and tranſcribes and certifies, into the *King's Bench*, the Tenor of the Records of the Cauſe

Officers.

of

of Action, in ſuch Caſes, upon which ſuch Writs of Error are brought, there to be adjudged and determined. The *Clerk of the Proclamations:* Fourteen *Filazers* for the ſeveral Counties of *England*, ſo called from their putting the Writs on a File, upon which they make out Proceſs. They make out all Writs and Proceſs upon original Writs, iſſuing out of the Chancery, returnable here. They enter all Appearances, ſpecial Bails, *&c.* Four *Exigenters*, who make Exigents and Proclamations upon the Writs of *Plures Capias*, brought in unto them, in order to proceed to an Out-lawry: The *Sealer* of *Writs* or *Warrants*, the ſame Duty as in the *King's Bench:* The chief *Proclamator* or *Cryer:* The *Keeper of the Court:* Four *Tip-ſtaves*, ſubſtitutes to the Proclamator: The *Warden* of the *Fleet Priſon*, which is the proper Priſon for all Commitments out of this Court. [See *Inns of Court* under the Article, *City of* Weſtminſter, in the ſecond Volume.]

Of Grand *and* Petit Juries, *their* Power *and* Duty.

The Utility of Juries.

It is with the higheſt Regard we revere the Juſtice of theſe Courts. But as our Law-Makers in ancient Times foreſaw both their Dangers from the Malice and Paſſion that might cauſe ſome of private Condition to accuſe others falſely in Courts of Juſtice, and the great Hazards of worthy and eminent Mens Lives from the Malice, Emulation and ill Deſigns of corrupt Miniſters of State, who might not ſcruple to commit the moſt odious of Murders in the Form and Courſe of Juſtice; either by corrupting of Judges, as dependent upon them for their Advancement, or by bribing and hiring Men of depraved Principles and deſperate Fortunes, to ſwear falſely againſt them; they made as prudent Proviſion, as perhaps any Country in the World enjoys, for equal and impartial Adminiſtration of Juſtice, in all the Concerns of the Peoples' Lives: that every Man in his Station, high and low, rich and poor, Lord and Commoner, might be in Safety, whilſt they lived in due Obedience to the Laws of the Land.

Grand Juries.

This Proviſion is a *Grand Inqueſt*, or *Grand Jury*. For it is a Fundamental in our Conſtitution, that, (unleſs it be by Parliament) no Man's Life ſhall be touched for any Crime whatſoever, ſave by the Judgment of at leaſt *twenty-four* Men: that is, *twelve*, or more, to find the Bill of Indictment, whether he be Peer of the Realm, or Commoner;

Commoner; and *twelve* Peers, or more, if a Lord: if not, *twelve* Commoners to give Judgment upon the general Iſſue of *not guilty* joined: of theſe *twenty-four*, the *firſt* twelve are called the *Grand Inqueſt* or *Grand Jury*, on account of their extenſive Power; and of their Number being more than twelve, ſometimes twenty-three or twenty-five, never leſs than thirteen; twelve whereof, at leaſt, muſt agree to every Indictment, or elſe it is no legal Verdict. The other twelve, in Commoners Caſes, are called the *Petit Jury*, whoſe Number is always *twelve*. The Office and Power of theſe Juries is judicial: They only are the Judges, upon whoſe Integrity and Underſtanding, the Lives of all that are brought into Judgment, do ultimately depend: from their Verdict there lies no Appeal; and by finding *guilty*, or *not guilty*, they do complicately reſolve both *Law* and *Fact*.

Petty Juries. Their Power.

As it hath been the Law, ſo it has always been the Cuſtom and Practice of theſe Juries upon general Iſſues, pleading in Caſes Civil, as well as Criminal to judge both of the *Law* and *Fact*. Lord Chief Juſtice *Vaughan* in *Buſhel*'s Caſe ſays, "That theſe Juries determine the "Law in all Matters where Iſſue is joined and tried in "the principal Caſe, whether the Iſſue be about a Treſ-"paſs, or a Debt, or Diſſeizin or Aſſizes, or a Tort, "or any ſuch like; unleſs they ſhould pleaſe to give a "ſpecial Verdict, with an implicit Faith in the Judg-"ment of the Court, to which none can oblige them "againſt their Wills."

The laſt twelve muſt be Men of equal Condition with the Party indicted, and are therefore called his *Peers*. So that if it be a Peer of the Realm, they muſt be all ſuch, when indicted at the Suit of the King: And in the Caſe of a Commoner, every Man of the twelve muſt agree to the Verdict freely, without Compulſion, Fear or Threat, elſe it is no Verdict.

But we ſhall confine ourſelves more particularly to the Nature and Power of the *Grand Jury*, and there ſhew how much the Reputation, the Fortunes, and the Lives of *Engliſhmen* depend upon the conſcientious Performance of their Duty. It was abſolutely neceſſary for the Support of Government, and the Security of Men's Lives and Intereſts, that ſome ſhould be truſted to enquire after

ter all ſuch as by Treaſons, Felonies, or leſſer Crimes, diſturbed the Peace, that they might be proſecuted, and brought to condign Puniſhment: and it was no leſs needful for every one's Quiet and Safety, that the Truſt of ſuch Inquiſitions ſhould be committed to Perſons of Wiſdom and Integrity, indifferent and impartial, that might ſuffer no Man to be falſly accuſed, or defamed, nor the Lives of any to be put in jeopardy by the malicious Conſpiracies of Great or Small, or by the Perjuries of any profligate Wretches.

Our Anceſtors likewiſe thought it not fit to truſt this great Concern of their Lives and Intereſts in the Hands of any Officer or Miniſter under the King, or in any Judges named by the Sovereign, nor in any certain Number of Men during their Lives, leſt they ſhould be awed or influenced by great Men; corrupted by Bribes, Flatteries, or Love of Power; or become negligent, or partial to Friends and Relations; or purſue their own Quarrels, or private Reſentment and Revenge: But this Truſt of enquiring out, and indicting all the Criminals in a County, is placed in Men of the ſame County, more, at leaſt, than twelve of the moſt honeſt and moſt ſufficient for Knowledge and Ability of Mind and Eſtate, to be from Time to Time at the Seſſions and Aſſizes, and all other Commiſſions of *Oyer* and *Terminer*, named and returned by the Sheriff or chief ſworn Officer of the County. And ſo careful have our Parliaments been, that the Power of Grand Inqueſts might be placed in the Hands of good and worthy Men, that if *one* Man of a Grand Inqueſt, though they be twenty-three or more, ſhould not be *Liber & legalis Homo*, or ſuch as the Laws (See Stat. 11 *Hen.* IV. and Stat. Weſt. 2 ch. 38 ſect.) require, and duly returned without Denomination to the Sheriff, all the Indictments found by ſuch a Grand Jury, and the Proceedings upon them, are null and void, as it was adjudged in *Scarlet*'s Caſe.

This Truſt and Power of Grand Juries is, and ought to be, accounted amongſt the greateſt, and of moſt Concern, next to the Legiſlative. The Juſtice of the whole Kingdom in criminal Matters, almoſt wholly depending upon their Ability and Integrity, in the due Execution of their Office. The Honour, Reputation, Eſtates and Lives of all the Nobility of *England*, are ſo far ſubmit-

ted

ted to their Cenſure, that they may bring them into Queſtion for Treaſon or Felony at their Diſcretion: Their Verdict muſt be entered upon Record againſt the greateſt Lords, and Proceſs muſt legally go againſt them thereupon to impriſon them, if they can be taken, or to out-law them, as the Statutes direct. It is committed to them to take care to bring capital Offenders to pay their Lives to Juſtice, and leſſer Criminals to other Puniſhments, according to their ſeveral Demerits. The Courts, or Judges, or Commiſſioners of *Oyer* and *Terminer*, and of Goal-delivery, are to receive only from the Grand Inqueſt all Capital Matters whatever, to be put in Iſſue, tried and adjudged before them by the Petit Juries. The whole Stream of Juſtice, in ſuch Caſes, either runs freely, or is ſtopped and diſturbed, as the Grand Inqueſt do their Duty, either faithfully and prudently, or neglect or omit their Duty.

They not only indict Offenders, but it is their Duty alſo to protect the Innocent in their Reputations, Lives, and Intereſts, from falſe Accuſers and malicious Conſpirators. They are to ſearch out the Truth of ſuch Informations, as come before them, and to reject the Indictment, if they think it not ſufficiently proved: And if they have reaſonable Suſpicion of Malice, or wicked Deſigns againſt any Man's Life or Eſtate, by ſuch as offer a Bill of Indictment, the Laws of God and Man, of the Kingdom bind them to uſe all poſſible Means to diſcover the Villany; and if it appears to them (whereof they are the legal Judges) to be a Conſpiracy, or malicious Combination againſt the Accuſed, they are bound by the higheſt Obligations upon Men and Chriſtians, not only to reject ſuch a Bill of Indictment, but to indict the Conſpirators, and their Abettors and Aſſociates; agreeable to the Stat. 42 *Eliz.* 3 ch. 3 Sect. where it is enacted; "That to eſchew the Miſchiefs and Damages "done to divers of the Commons by falſe Accuſers, "which oftentimes have made the Accuſations more for "Revenge and ſingular Benefit, than for the Profit of "the Prince, or of his People; which accuſed Perſons "ſome have been taken, and ſometimes cauſed to come "before the King's Council by Writ, and otherwiſe, "upon grievous Pain, againſt the Law; it is aſſerted "and accorded for the good Government of the Com-

"mons,

" mons, that no Man be put to anſwer without Pre-
" ſentment before Juſtices, on Matter of Record, *&c.*
" *according to the old Law of the Land*; and if any thing
" be done to the contrary, it ſhall be *void in Law*,
" &c." And the Statute of 25 *Eliz.* Ch. 3. Sect. 4. ſaith, " None ſhall be taken by Petition or Suggeſtion
" made to the King or to his Council, unleſs it be by
" Indictment or Preſentment of good and lawful People
" of the ſame Neighbourhood, where ſuch Deeds be
" done, *&c.*" that is to ſay, by a Grand Jury.

To make the Grand Jury more circumſpect in the Execution of their Truſt, they are obliged to take the following Oath;—" I will diligent Enquiry, and true
" Preſentment make of all ſuch Articles, Matters, and
" Things, as ſhall be given me in charge; and of all
" other Matters and Things as ſhall come to my Know-
" ledge, touching this preſent Service. The King's
" Council, my Fellows, and my own, I will keep ſe-
" cret. I will preſent no Perſon for Hatred or Malice;
" neither will I leave any one unpreſented for Favour
" or Affection, for Love or Gain, or any Hopes thereof:
" but in all things I will preſent the Truth, the whole
" Truth, and nothing but the Truth, to the beſt of
" my Knowledge, ſo help me God."

It is undoubtedly Law, and reported in *Stile*'s, " That
" though there be Witneſſes, who prove the Bill; yet
" the Grand Jury is not bound to find it, if they ſee
" cauſe to the contrary;" the Juries being the only abſolute Judges of the Evidence given before them. And by the Premiſſes it appears that they are ſtrangely miſtaken, who affirm, that it is not the Duty of a Grand Jury to make ſo ſtrict Enquiry into Matters before them, nor to look for ſo clear Evidence of the Crime as the Petit Jury; and that their Indictments, being to paſs a ſecond Examination, they ought not to indict upon a ſuperficial Enquiry and bare Probabilities. For ſhould either of theſe Opinions be admitted, their Oath muſt be broken, and the Prejudice to the Subject, would be equal to the laying aſide Grand Juries; there being no Difference between arraigning without a Preſentment from them at all, and their preſenting upon ſlight Grounds. Beſides an Oath muſt be as obligatory to a Grand Jury, as to the Petit Jury. Therefore let the Grand

Grand Juries faithfully perform their high Truſt, and neither be deceived nor frightened from their Duty. Let them purſue the good old Way; for, no Innovation can be brought in, that will not turn to the Prejudice of the accuſed Perſon and themſelves. Let them not be deluded with frivolous Arguments, ſo as to invalidate a conſiderable Part of the Law, and render themſelves inſignificant Cyphers, in Expectation that Petit Juries will repair the Faults they commit. When a Grand Jury finds a Bill againſt any Perſon, they do all that in them lies to take away his Life, if the Crime be capital: Therefore it is ridiculous for them to pretend they rely upon the Virtue of the Petit Jury, if they ſhew none in themſelves. They have no Reaſon to think the other Jury ſhould be more tender of the Priſoner's Matters, more exact in doing Juſtice, or more careful in examining the Credit of the Witneſſes, when they have not only neglected their Duty of ſearching into it, but added Strength to their Teſtimony, by finding a Bill upon it. They cannot poſſibly be exempt from the Blame of conſenting (at leaſt) unto the Miſchiefs that may enſue, unleſs they uſe all the honeſt Care that the Law allows to prevent them; nor conſequently avoid the Stain of the blood, that may be ſhed by their Omiſſion; ſince it could not have been, if they had well performed their Part, before they found the Indictment, whereby the Party is expoſed to ſo many Diſadvantages, that it is difficulty for the cleareſt Innocence ſometimes to defend itſelf againſt them. But when one and the other Jury act as they ought, with Courage, Diligence and Impartiality, we ſhall have juſt Reaſon (to uſe the Words of Lord Chancellor *Forteſcue*) "to celebrate the Law that "inſtituted them, and to congratulate with our Coun-"try-men the Happineſs we enjoy, whilſt our Lives lie "*not* at the Mercy of unknown Witneſſes, hired, poor, "uncertain, whoſe Converſation or Malice we are "Strangers to; but of Neighbours of Subſtance, of "honeſt Report, brought into Court by an honeſt "ſworn Officer; Men who know the Witneſſes, and "their Credit, and are to hear them, and judge of them; "that want no Means for diſcloſing of Truth, and from "whom nothing can be hid, which can fall within the "Compaſs of human Knowledge.

The Grounds upon which Grand Juries are to proceed in giving their Verdicts, are either,

1. From *their own Knowledge:* and ſo they may find an Indictment againſt a Perſon, though there is not any Witneſs to it, and a Petit Jury may, in like Manner, find a Perſon guilty of a Felony, or Murder, whereof he ſtands indicted, though no Witneſſes appear againſt him to prove it; and the Reaſon thereof is, becauſe the Juries being always of the *vicinage*, the Law ſuppoſes they may know the Matter of their own Knowledge; and, therefore, in all ſuch Caſes, when a Jury is charged with a Priſoner, and after the Indictment read, Witneſſes fail to appear, the Court always ſpeaks thus to the Jury: *Gentlemen, here is* A. B. *ſtands indicted of ſuch a Crime, but there are not any Witneſſes appear againſt him, ſo that unleſs, on* your own Knowledge, *you know him guilty, you muſt acquit him:* And certainly, if the Juries Knowledge of a Man's Guilt is enough to condemn him, why ſhould not their *perſonal Knowledge of a Priſoner's Innocence, or of the Witneſſes ſwearing falſly*, be ſufficient to acquit him. 2. The other Ground upon which the Grand Juries are to proceed, *is Teſtimony of Witneſſes:* and this is called *Evidence*, becauſe it ought to be ſuch, as may make the Matter clear, manifeſt, plain and evident to the Jury, and of this Evidence, the Jury are the proper and only Judges; therefore they ought (according to their Oath) *diligently* to enquire into the *Quality*, *Repute* and *Circumſtances* of the Witneſſes, the *Probability* of what they depoſe, and whether they do not ſwear out of *Malice*, *Subornation*, *Self-intereſt*, *Combination*, or ſome *ill Deſign*, which to diſcover, they will do well to *examine them* APART, to *note* their *Variations*, and *Contradictions*, to aſk them *ſudden Queſtions*; and what Queſtions are *pertinent*, not the Judges but the Jury only can determine; for they may know how to make uſe of them towards the Diſcovery of the Truth, though the Judge do not, and it is they who are upon their Oaths, not *he*; it is *they* muſt ſatisfy their own Conſciences, the *Judge* has nothing to do to intermeddle, *he is bound by their Verdict*. Let Witneſſes be as poſitive as they will, yet if the Jurors have good and reaſonable Grounds not to believe them, they will, they *muſt* remain as ignorant to the

the Party's Crime, as before; we find this expreſsly aſſerted for Law in *Stiles*'s Reports, *Lib.* 11. Though there are Witneſſes who prove the Bill, yet the Grand Inqueſt is not bound to find it, if they ſee Cauſe to the contrary. So *Coke*, *lib.* 6. the Judges are uſed to determine who ſhall be ſworn, and what ſhall be produced as Evidence to the Jury; but the Jury are to conſider *what Credit or Authority the ſame is worthy of.* If a Grand Jury are not Judges of Evidence, they ſignify nothing, if (as ſome alledge) becauſe Witneſſes ſwear deſperately, though the Jury do not believe them, they ſhall be bound to find the Bill. This is abſurd in the higheſt Degree. Were this admitted, the Grand Jury ſignify nothing, and are no Security to preſerve Innocence.

The Enquiry of a Grand Jury ſhould be ſuitable to their Title, *a Grand Enquiry*; or elſe, inſtead of ſerving their Country, and preſenting real Crimes, they may oppreſs the Innocent.

The judicious *Dalton* ſays well, No leſs Care or Concern at all lies on the Grand Jury, than does on the Petit Jury; People may tell you, that you ought to find a Bill upon any probable Evidence, for it is but Matter of Courſe, a Ceremony, a Buſineſs of Form, only an Accuſation, the Party is to come before another Jury, and there may make his Defence. But if this were all, to what Purpoſe have we Grand Juries? Why are the wiſeſt, and beſt Men in a County (for ſuch they are, or ſhould be) troubled? Why are they ſo ſtrictly ſworn? Do not flatter yourſelves: you of the *Grand Jury* are as much upon your Oaths as the *Petit Jury*; and the *Life* of him againſt whom the Bill is brought, *is in your Hands.* Lord *Coke*, 3 *Inſtit.* 33. plainly calls the Grand Jurymen all wilfully forſworn, and perjured, if they wrongfully find an Indictment. And if in ſuch Caſe the other Jury through ignorance *&c.* ſhould find the Perſon guilty too, you are guilty of his Blood, as well as they. But ſuppoſe he is acquitted by the Petit Jury; do you think it nothing to accuſe a Man upon your Oaths, of horrid Crimes? your very doing of which, puts him, though in every reſpect innocent, to Diſgrace, Trouble, Damage, and Danger of Life; and makes him liable to Out-lawry, Impriſon-

ment, and every Thing but Death itſelf; and that too, for aught you know, may wrongfully be occaſioned by it, your raſh Verdict gaining Credit, and giving Authority to another Jury to find him guilty; for if the Petit find a Man guilty never ſo unjuſtly, the Law ſuffers no Attaint or other Puniſhment, to lie againſt them; for this very Reaſon, becauſe another Jury, *viz.* the Grand Inqueſt, as well as they, have found him guilty. If a Grand Jury find a Bill wrongfully againſt a Perſon, and it prove never ſo much to his Damage, he has not any Remedy; for being upon their Oaths, the Law will not ſuppoſe any Malice. One of the Grand Jury cannot afterwards be of the Petit Jury; and why? Becauſe, ſays the Law, he has once already found the Party guilty, and if he ſhould not again, he muſt perjure himſelf. From all which it appears, what a Weight and Streſs the Law puts upon the Verdict of a Grand Jury, and it is remarkable, that the Law directs them only to ſay, either *Billa Vera*, it is true; or, *Ignoramus*, we know not; and never, that it is not true; which ſhews, that if they are doubtful, or not fully ſatisfied, the Indictment muſt be indorſed not *Billa Vera*, we know it is *true*, but *Ignoramus*, we *doubt* it; *we do not know it*, we are *not* certain it is true. If they find a Bill where they ought not, they wound their own Conſciences, and do an irreparable Damage to the Party; but where they do not find the Bill, there is not the leaſt Injury done to any one, for another *Indictment* may be brought when there is better Evidence.

Amongſt other Devices, to undetermine the Rights and Power of Juries, and render them inſignificant, there has an Opinion been advanced, that they are only Judges of *Fact*, and are not at all to conſider the *Law*, ſo that if a Perſon is indicted for a Fact, which really is not a Crime in itſelf by Law, but is worked up by Words of Form, as *treaſonable*, *ſeditiouſly*, &c. if the Fact is but proved to have been committed, though theſe wicked Circumſtances do not appear, they ſhall be ſupplied by the Law, which a Jury are not to take notice of, but find the Bill for bringing in the Perſon guilty, and leave the Conſideration of the Caſe in Law to the Judges whoſe Buſineſs it is.

Thus

Thus ſome argue, but it is an apparent Trap, at once to perjure ignorant Juries, and render them only Tools of Oppreſſion, to ruin and murder their innocent Neighbour with the greater Formality; for though it be true, that Matter of *Fact* is the moſt common and proper Object of a Jury's Determination, and Matter of *Law* that of the Judges; yet, as Law ariſes out of, and is complicated with Fact, it cannot but fall under the Jury's Conſideration. *Littleton*, Sect. 368. teaches us, that the Jury may, at their Election, either take upon them the Knowledge of the Law, and determine both the *Fact* and *Law* themſelves, or elſe find the Matter ſpecially, and leave it to the Judges; * it is by applying Matter of Fact and Law together, and from their due Conſideration of, and right Judgment upon both, that a Jury brings forth their Verdict. Do we not ſee in moſt general Iſſues, as upon *Not guilty* pleaded in Treſpaſs, Breach of the Peace, or Felony, though it is Matter in Law, whether the Party is a Treſpaſſer, a Breaker of the Peace, or a Felon; yet the Jury do not find the Fact of the Caſe by itſelf, leaving the Law to the Court, but find the Party *guilty*, or *not guilty* generally; ſo that though they anſwer not to the Queſtion ſingly, what is *Law*; yet they determine the *Law*, in all Matters, where Iſſue is joined. Is it not every Day's Practice, when Perſons are indicted for Murder, the Jury not only find them guilty, or not guilty, but many times, upon hearing and weighing of Circumſtances, bring them in either guilty of the Murder, or elſe only of Man-ſlaughter, Per-miſadventure, or *ſe defendendo*, as they ſee Cauſe? Beſides, as Juries have ever been veſted with ſuch Power by Law, ſo to exclude them from, or diſſeiſe them of the ſame, were utterly to defeat the End of their Inſtitution. For then, if a Perſon ſhould be indicted for doing any common innocent Act, if it is but cloathed and diſguiſed in the Indictment with the Name of Treaſon, or ſome other high Crime, and proved by Witneſſes to have been committed by the Party accuſed, the Jury, though ſatisfied in Conſcience, that the Fact is not any ſuch Offence, as it is called;

* Lord *Coke* agrees to this, though in ſpecial Caſes he thinks it hazardous for the Jury.

yet becauſe (according to this Opinion) They have no Power to judge of *Law*, and the *Fact* charged is fully proved, they ſhould be bound to find the Party guilty: And being ſo found, the Judge may pronounce Sentence againſt him, for he finds him a convicted Traytor, *&c.* by his Peers; and ſo Juries, ſhould be made meer Properties to do the Drudgery, and bear the blame of unreaſonable Proſecutions. But all this is abſurd and abhorred by the Wiſdom, Juſtice and Mercy of our Law.

In every Indictment, Information, *&c.* there are certain Words of Courſe, called Matter of Form, as *maliciouſly*, *ſeditiouſly*, with ſuch and ſuch an Intention, *&c.* And theſe are ſometimes raiſed by a juſt and reaſonable Implication in Law, and ſometimes are introduced meerly to raiſe a Pretence or Colour of Crime, where there is really none, ſo that *every Jury-man ought well to underſtand this Diſtinction*, where the Act or naked Matter of Fact charged, is in itſelf a Crime or Offence againſt Law; as killing of a Man, levying of War againſt the King, *&c.* there the Law does in pleading require, and will ſupply thoſe Words; and if the Jury do find, and are ſatisfied, that the *Subſtance of the Charge is ſuch a Crime*, and *the Perſon guilty thereof*, they are bound to find it, though no direct Proof be made of thoſe Circumſtantials. But where the Act or Matter of *Fact*, is in itſelf *innocent*, or indifferent, *there the Purport of theſe Words (as that it was done maliciouſly, or with ſuch or ſuch a Deſign) is neceſſary to be proved*; for ELSE THERE IS NO CRIME, and conſequently no fit Matter to be put to Trial. In which Caſe the Grand Jury is bound in Conſcience and Law, to return an *Ignoramus*, and a Petit Jury to find *Not guilty*.

To this we may add, by way of Confirmation, that in a ſmall Work publiſhed in 1681, intituled, *The Security of* Engliſhmen's *Lives, or the Truſt, Power and Duty of* GRAND JURIES *of* England *explained according to the Fundamentals of the* Engliſh *Government*, and *the Declarations of the ſame made in Parliament by many Statutes*, and which though then publiſhed without the Author's Name, was afterwards publiſhed with the Name of Lord *Somers* to it, p. 32. of the ſmall Edition, it is ſaid "No Directions can be legally impoſed on them by any Court or "Judges."

Again

Again p. 59, the ſame Author ſays,

" The King's Intereſt and Honour is more concern-
" ed in the Protection of the Innocent, than in the
" Puniſhment of the guilty. This Maxim can never
" run them (the Jurors) into Exeſſes."

In p. 9, ſpeaking of the Petty Jury, he particularly ſays, " By finding *Guilty* or *Not guilty*, they do com-
" plicately reſolve both *Law* and *Fact*. And in p. 9, & 10,

He farther ſaith, " As it hath been the Law, ſo it
" hath always been the Cuſtom and Practice of theſe
" Juries (the petty) upon all general Iſſues, pleaded in
" Caſes civil as well as criminal, to judge both of the
" *Law* and *Fact*."

My Lord quotes Judge *Vaughan* as to Juries determining the *Law, and that the Court cannot oblige them to find againſt their Wills.*

And Sir *M. Hale* in his Hiſt. of Law, p. 140 ſays, that the Juries are Judges not only of the Fact, but of the Law. *Vide* Dr. *Ellis on Liberty, Part* 2, *p.* 29.

Some Jury-men may be apt to ſay—If we do not find according to Evidence, though we have Reaſon to ſuſpect the Truth of what the Witneſſes ſwear, or if we do not find as the Judge directs, *we may come into trouble*, the Judge may *fine* us, *&c.* Mr. *Care* in anſwer juſtly ſays, this is a vain Fear. No Judge dare offer any ſuch Thing, you are the proper Judges of the Matters before you, and your Souls are at Stake: you ought to act *freely*, and are not bound, though the Court demand it, to give the Reaſons *why* you bring a Verdict in thus, or thus; for you of the *Grand Jury* are ſworn to the contrary, *viz. To keep ſecret your Fellows Council, and your own.* And you of the *Petit Jury* are no way obliged to declare your Motives, it may not be convenient. It was a remarkable Caſe before Chief Juſtice *Anderſon*; in Queen *Elizabeth*'s Time: A Man was arraigned for Murder, the Evidence was ſo ſtrong, that eleven of the Jury were preſently for finding him guilty, the twelfth refuſed, and kept them ſo long, that they were ready to ſtarve, and at laſt made them comply with him, and bring in the Priſoner not guilty. The Judge, who had ſeveral times admoniſhed this Jury-man to join with his Fellows, being ſurprized, ſent for him, and diſcourſed

him privately, to whom, upon Promiſe of Indemnity, he at laſt owned that he himſelf was the Man that did the Murder, and the Priſoner was innocent, and that he was reſolved not to add Perjury and a ſecond Murder to the firſt. But to convince every one that a Jury is no way puniſhable for going according to to their Conſcience, though againſt ſeeming Evidence, and the Reaſons why they are not, nor ought to be queſtioned for the ſame, we ſhall here recite an adjudged Caſe, *viz.* that of *Buſhel*, in the twenty-ſecond Year of *Charles* II. reported by the learned Sir *John Vaughan*, whoſe Book was licenſed by the then Lord Chancellor, the Lord Chief Juſtice *North*, and all the Judges then in *England*. The Caſe at large fills near fifteen Pages, and is well worth reading: But we ſhall ſelect only certain Paſſages from it.

The Caſe was this:

Buſhel, *and others of a Jury, having at a Seſſions for* London, *Sept.* 1670, *acquitted* Pen *and* Mead *(two Quakers) of a Treſpaſs, Contempt, unlawful Aſſembly and Tumult, whereof they had been indicted, were fined forty Pounds a Man, and committed 'till they ſhould pay it.* *. Buſhel *brings his* Habeas Corpus, *and upon the Return, it appeared he was committed, For that, contrary to Law, and againſt full and clear Evidence openly given in Court, and* againſt the Directions of the Court in Matter of Law, *they had acquitted the ſaid* W. P. *and* W. M. *to the great Obſtruction of Juſtice*, &c. *which, upon ſolemn Argument, was by the Judges reſolved to be an inſufficient Cauſe of fining and committing them, and they were diſcharged, and afterwards brought Actions for their Damages.* The Reaſons of which Judgment, are reported by Judge *Vaughan*, and amongſt them he uſeth thoſe that follow, which we ſhall give you in his own Words: *One fault in the Return is, That*

* The Tranſlator of *Forteſcue* in his Preface, p. 13. ſays, "The Jury was treated more like a Pack of Felons, than a Jury of honeſt Men. No Jury for many Ages received ſo many Inſtances of Diſpleaſure and Affront, becauſe they preferred not the Humour of the Court before the Quiet of their own Conſciences, even to be eſteemed as perjured, though they had really been ſo, had they not done what they did. After two Days and two Nights reſtraint for a Verdict, they were in the End fined and impriſoned, for giving it.

the

the Jurors are not said to have acquitted the Persons indicted against full and manifest Evidence. Corruptly and knowing the said Evidence to be full and manifest against the Persons indicted: *For how manifest soever the Evidence was, if it were not manifest to them, and that they believed it such, it was not a finable Fault, nor deserving Punishment: upon which Difference the Law of punishing Jurors, for false Verdicts, principally depends.*

I would know whether any Thing be more common, than for two Men Students, Barristers, or Judges, to deduce contrary and opposite Conclusions out of the same Case in Law? And is there any Difference, that two Men should infer distinct Conclusions from the same Testimony? Is any thing more known, than that the same Author, and Place in that Author, is forcibly urged to maintain contrary Conclusions, and the Decision hard which is in the right? Is any thing more frequent in the Controversies of Religion, than to press the same Texts for opposite Tenets? How then comes it to pass, that two Persons may not apprehend, with Reason and Honesty, what one Witness or many say, to prove in the Understanding of one plainly one thing, but in the Apprehension of the other, clearly the contrary? Must therefore one of these merit Fine and Imprisonment, *because he doth that which he cannot otherwise do, preserving his Oath and Integrity? And this is often the Case of the Judge and the Jury.*

I conclude therefore, That this Return, charging the Prisoners to have acquitted P. *and* M. *against full and manifest Evidence first, and next, without saying that they did* know and believe that Evidence to be full and manifest *against the indicted Persons,* is no Cause of Fine and Imprisonment.

In the Margin of that *fol.* 142, it is thus noted: *Of this Mind were ten Judges of eleven; the Chief Baron* Turner *gave no Opinion, because not at the Argument.*

And in the same *fol.* he saith, *The Verdict of a Jury, and Evidence of a Witness, are very different things, in the Truth and Falshood of them: A Witness swears but to what he hath heard or seen generally, or more largely, to what hath fallen under his Senses: But a Juryman swears to what he can infer and conclude from the Testimony of such Witnesses by the Act and Force of his Understanding, to be the Fact inquired after; which differs nothing in Reason, though*

though much in the Punishment, from what a Judge, *out of various Cases considered by him, infers to be the Law in the Question before him.*

If the Meaning of these Words, finding *against* the Direction of the Court, *in Matter of Law, be, That if the Judge having heard the Evidence given in Court (for he knows no other) shall tell the Jury, upon this Evidence, the Law is for the Plaintiff, or for the Defendant, and you are under the Pain of Fine and Imprisonment to find accordingly, and the Jury ought of Duty so to do, then every Man sees, that the Jury is but a troublesome Delay, great Charge, and of no Use in determining right and wrong; and therefore the Trials by them may be better abolished than continued; which were a strange new found Conclusion, after a Trial so celebrated for many hundred Years.*

It is true, if the Jury were to have no other Evidence for the Fact but what is deposed in Court, the Judge might know their Evidence, and the Fact from it, equally as they, and so direct what the Law were in the Case: Though even then, the Judge and Jury might honestly differ in the Result, from the Evidence, as well as two Judges may, which often happen; but the Evidence which the Jury have of the Fact, is much otherwise than that: For, 1. *Being returned of the Vicinage where the Cause of Action ariseth, the Law supposeth them thence to have sufficient Knowledge to try the Matter in issue (and so they must) though no Evidence were given on either Side in Court; but to this Evidence the Judge is a Stranger.*

2. *They may have Evidence from their own personal Knowledge, by which they may be assured; and sometimes are, that what is deposed in Court is absolutely false, but to this the Judge is a Stranger; and he knows no more of the Fact than he hath learned in Court, and perhaps by false Depositions, and consequently knows nothing.*

3. *The Jury may know the Witnesses to be stigmatized, and infamous, which may be unknown to the Parties, and consequently to the Court.*

To what End is the Jury to be returned out of the *Vicinage*, where the Cause of Action ariseth? To what End must Hundredors be of the Jury, whom the Law supposeth to have nearer Knowledge of the Fact, than those of the Vicinage in general? To what End are they challenged so scrupulously to the Array and Poll?

To

To what End must they have such a certain Freehold and be *probi & legales Homines*, and not of Affinity with the Party concerned? To what End must they have, in many Cases the View for exacter Information chiefly? To what End must they undergo the Punishment of the villainous Judgment, if (after all this) they must implicitly give a Verdict by the Dictates and Authority of another man, under Pain of Fine and Imprisonment, when *sworn to do it* ACCORDING TO THE BEST OF THEIR OWN KNOWLEDGE? A man cannot see by another's Eye, nor hear by another's Ear; no more can a Man conclude or infer the Thing to be resolved by another's Understanding or Reasoning; and though the Verdict be right the Jury give, yet they being not assured that it is so, from their own Understanding, are forsworn, at least *in foro Conscientiæ*.

And it is absurb to fine a Jury, for finding against their Evidence, when the Judge knows but Part of it: For the better and greater Part of the Evidence may be wholly unknown to him; and this may happen in most Cases, and often doth. *Thus far Judge* Vaughan.

Court of Exchequer.

The *Court of Exchequer* is anciently derived from the *Normans*, in which all Causes touching the Revenue of the Crown are tried: of which Court we have this Character (in *the Grand Customary*, Ch. 56). The Exchequer is "called an Assembly of high Justiciaries, to "whom it appertains to amend that which the Bailiffs "and other inferior Justices have amiss done, and unadvisedly judged, and to do right to all Men, as from "the Prince's Mouth."

Its Judges stiled Barons.

At its first Institution the great *Barons* of the Realm both civil and ecclesiastical set there. Hence it happens that the Judges now appointed to execute the Jurisdiction of that Court, still retain the Name of *Barons*, who are a Chief, and three others; besides the Treasurer and the Chancellor.

Jurisdiction.

The Authority of this Court is of original Jurisdiction without Commission. Anciently its Authority was so great, that it was held in the King's Palace, and the Acts thereof were not to be examined or controuled in any other of the King's Courts: but at present the Exchequer is accounted the last of the four Courts at *Westminster*.

In

In the Exchequer there is a Court of Pleas, a Court of Accounts, a Court of Receipts; the Exchequer Chamber, which is a Meeting of all the Judges on difficult Matters in Law; a Court of Errors in the Exchequer, a Court of Errors in the King's Bench, and laſtly a Court of Equity in the Exchequer.

Divided into two Parts.

The Exchequer for Diſpatch of Buſineſs is divided into two Parts: one of which is exerciſed in the *judicial* hearing and deciding all Cauſes relating to the King's Coffers, formerly termed the Exchequer of Accounts: the other is called the *Receipt of the Exchequer*, as being principally employed in receiving and paying of Money. In the Court of Accounts all Sheriffs, Bailiffs, *&c.* are to account: and in the Court of Receipts the Debtors of the King, and Perſons in Debt to them, the King's Tenants, and the Officers and Miniſters of the Court, are privileged to ſue one another, or any Stranger, and to be ſued in like Actions as are brought in the Courts of King's Bench and Common Pleas.

The *judicial* Part of the *Exchequer* is a Court both of Law and Equity. The Court of Law is held in the Office of Pleas, according to the Courſe of common Law, before the Barons: In this Court, the Plaintiff ought to be a Debtor or Accountant to the King; and the leading Proceſs is either a *Subpœna* or *Quo minus*.

The Court of Equity is held in the Exchequer Chamber before the Treaſurer, Chancellor and Barons; but generally before the Barons only; the Lord Chief Barons being the Chief Judge to hear, and to determine all Cauſes. The Proceedings in this Part of the Exchequer are by *Engliſh* Bill and Anſwer, according to the Practice of the Court of Chancery; with this Difference, that the Plaintiff here muſt likewiſe ſet forth that he is a Debtor to the King, whether he be ſo or not. It is in this Court of Equity that the Clergy exhibit Bills for the Recovery of their Tythes, *&c.* Here the Attorney-General exhibits Bills for any Matters concerning the Crown. And a Bill may be exhibited againſt the King's Attorney-General, by any Perſon aggrieved in a Cauſe proſecuted againſt him in Behalf of the King, to be relieved therein: In which Caſe the Plaintiff is to attend on the Attorney-General with a Copy of the Bill, and procure him to give in an Anſwer thereto; in the making

making of which he may call in any Perſon intereſted in the Cauſe, or any Officer or others, to inſtruct him, that the King be not prejudiced thereby, and his Anſwer is to be put in without Oath.

All penal Puniſhments, Intruſion and Forfeitures upon popular Actions, are cognizable by this Court; where there alſo ſits a puiſne Baron, who adminiſters the Oaths to High Sheriffs, Bailiffs, Auditors, Receivers, Collectors, Comptrollers, Surveyors, and Searchers of all the Cuſtoms, *&c.*

In this Court are alſo two Chamberlains; three Remembrances; the King's Attorney-General; a Clerk of the Pipe, who has under him two Secondaries and ſix Attorneys or Clerks; five Auditors of the King's Revenues; a foreign Oppoſer; Comptroller; Clerk of the Pleas; Clerk of the Tallies; four Tellers; Cutter of Tallies; Writer of the Tallies; the Chief Uſher and four Under Uſhers of the Court, and four ordinary Meſſengers. Officers.

The Judges of theſe ſuperior Courts are twice a Year commiſſioned by the King to go the *Circuits* (as mentioned before on Page 72, *&c.*) or to do Juſtice in every County of *England*. Which Circuit-Courts are properly called *Aſſizes*. The Buſineſs of which Courts is to try all Cauſes, both of the Crown-Side, and *Niſi Prius*, by a Jury of twelve Men, choſen by the Sheriff of each reſpective County. Of whoſe Duty and Power we have already given a full Account on Page 268, *&c.* Judges of Aſſize. Aſſizes what.

In the Trial of Criminals, no Nation gives the Offender ſo fair a Defence as in *England*. When a Criminal is apprehended, he is examined before a Juſtice of the Peace; and the Evidences againſt him are confronted, and give their Teſtimony upon Oath. Where the Evidence is plain, the Juſtice commits the Criminal to the County Goal, there to be kept for Trial either before the Juſtices at Quarter Seſſions, or before the Judges of of Aſſize. Trial of Criminals.

Being brought to the Bar, and commanded to hold up his Hand at the Bar, the Clerk of the Court demands of him *Guilty* or *not Guilty*. If the Priſoner anſwers *Guilty*, nothing remains but to paſs Sentence upon him. If he refuſes to anſwer, the ſeverity of the Law is to preſs him to Death; which is ſeldom done. But the common Practice

tice is to anſwer *Not guilty*; the Law of the Land admitting every body to be innocent of a Crime, till it be proved upon him by Witneſſes, who are upon their Oaths; and if their Evidences be not poſitive and clear, the Jury will acquit him.

The Judge upon the Bench ſums up the Evidence, and if there happens any Matter of Law to ariſe in Favour of the Priſoner, he is to clear the Point, and to inform the Jury, and then bids them diſcharge their Conſcience according to the Evidence, and as they ſhall give credit to the Evidences before them. The Jury having conſulted amongſt themſelves and conſidered, the Fore-man, in the Name of all the Jury, brings in the Priſoner either *Guilty* or *Not guilty*: And if it ſhould chance that one of the Jury dies in the mean time, the Priſoner ſhall be acquitted *ipſo facto*. Which Verdict or Judgment of the Jury, is in all Caſes unalterable, except in ſome doubtful Caſes, where the Verdict is brought in *ſpecial*. In which Caſe, it is left to the Determination of the twelve Judges.

When it happens to be the Priſoner's unhappy Fate to be convicted and found guilty, the Judge aſks him, "What he can ſay for himſelf why Sentence of *Death* "ſhould not paſs upon him?" The Priſoner then has an Opportunity to move for an Arreſt in Judgment, if he can produce any juſt Reaſon why Judgment ſhould not paſs; ſuch as want of Notice of Trial, material defect in Pleading, or when the Record differs from the Deed pleaded; where more is given in the Verdict than is laid in the Declaration. And if this cannot be done, the Criminal may plead his *Clergy*; provided it be the firſt Fault, and the Crime within the Statutes; which ſaves his Life, and makes him liable to be only burnt in the Hand.

Manner of giving Sentence of Death.

For a Felon.

But ſhould he be deprived of theſe Means, then the Judge pronounces this Sentence: "The Law is, that "thou ſhalt return to the Place from whence thou "cameſt, and from thence to the Place of Execution, "where thou ſhalt hang by the Neck, 'till thy Body be "*dead*; and the Lord have Mercy on thy Soul." Upon theſe Words the Sheriff is charged with the Execution.

But this Sentence differs according to the Nature of the Crime. For if the Priſoner be found guilty of high Treaſon,

Treaſon, the Sentence runs thus: "Thou ſhalt be carried back to the Place from whence thou came, and from thence be drawn upon a Hurdle to the Place of Execution, and there thou ſhalt be hanged up by the Neck: and ſhalt be cut down alive: and thy Intrails and Privy Members ſhall be cut from thy Body, and burned in thy ſight: and thy Head ſhall be cut off: and thy Body ſhall be divided in four Quarters, and ſhall be diſpoſed of at the King's Pleaſure. And the Lord have Mercy on thy Soul." Again, if the Judgment be for Petit-Treaſon, then the Sentence is, "That he ſhall be carried back to the Place from whence he came, and from thence ſhall be drawn upon a Hurdle unto the Place of Execution, and there ſhall be hanged up by the Neck till he be dead." If for Miſ-priſon of Treaſon, the Sentence is, "That he ſhall forfeit to the King all his Goods, Debts and Dues, and his Lands during his Life, and ſhall be pertually impriſoned during Life." But in Caſes of High-Treaſon, Petit-Treaſon, and Coining, the Sentence upon a Woman is, that ſhe ſhall be *burnt*.

For High Treaſon.

For Petit Treaſon.

The Execution muſt be according to the Judgment duly given in Court. No Sheriff can alter the Form of it. But the King may pardon the whole Execution; and in ſome Caſes he may pardon a Part of it. Thus he, *Reſpectu Perſonæ*, can change *hanging* into *beheading*. In which Caſe the King in Letters Patents directed to the Lord Chancellor of *England* recites the Attainder; "Yet we (ſay the Letters Patents) minding to diſpenſe with that Manner of Execution of Judgment, in reſpect that the ſaid *A. B.* is a Nobleman, do therefore, by theſe Preſents, remit and releaſe the ſaid *A. B.* off and from ſuch Execution of Judgment; and inſtead thereof, our Pleaſure is to have the Head of the ſaid *A. B.* cut off, *&c.* as in ſuch Caſes has been uſed, touching and concerning Noblemen, *&c.*"

Beheading an Act of the Sovereign.

They who have been acquitted by the Jury, or for want of Evidence appearing againſt them, are immediately diſcharged. They that have been found innocent may have Recourſe in Law againſt their unjuſt Proſecutors. The Witneſſes that have not appeared to give Evidence according to their Recognizances, may be ſued for the Penalty of their Bond.

Again,

Again, it happens that ſome Priſoners are detained in Priſon till the Aſſizes, *&c.* only upon Suſpicion; but as they are intitled to their Liberty by Goal Delivery, the Clerk makes this Proclamation, "*A. B.* Priſoner, "ſtands here at the Bar. If any Man can ſay any "Thing againſt him, let him ſpeak: for the Priſoner "ſtands at his Deliverance." And if no Evidence ſhall then appear againſt him, and no Writ of Detainer, he ſhall be diſcharged.

Diſcharge by Proclamation.

Beſides the ſuperior Courts, above deſcribed, there are a great Variety of other Courts, as already mentioned, which are divided, in general, into *Courts of Record*, and *Baſe Courts*.

Inferior Courts.

A *Court of Record* is that which hath a Power to hold Plea, according to the Courſe of the Common Law, of real, perſonal, and mixt Actions; where the Debt or Damage is forty Shillings.

Court of Record.

A *Baſe Court*, or a Court not of Record, is where they cannot hold Plea of Debt or Damage amounting to forty Shillings; or where the Proceedings are not according to the Courſe of the Common Law, nor inrolled; ſuch as the *County Court*, *Hundred Court*, *Court Baron*, &c. Some of theſe Courts may fine, but not impriſon a Perſon, ſuch as the *Court Leet:* and ſome can neither fine nor inflict Puniſhment; and can only amerce; as the *County Court*, *Court Baron*, &c. But the Courts of Record at *Weſtminſter Hall*, have Power to fine, impriſon, and amerce: and in theſe Courts at *Weſtminſter*, the Plaintiff need not ſhew, in his Declaration, that the Cauſe of Action ariſes within their Juriſdiction, being general: but in the inferior Courts it muſt be ſhewn at large; becauſe they have peculiar Juriſdictions.

Baſe Court.

Amongſt the inferior Courts of Record at this Time, that *Court of Seſſions of the Peace*, held four times a Year in every County, is the moſt eminent. It is held by two or more Juſtices, one being of the *Quorum* for the Execution of the Authority granted them by their Commiſſion and ſeveral Statutes, whereby they are authorized to hear and determine Treſpaſſes againſt the public Peace, *&c.* Pariſh Settlements, *&c.* and divers Offences referred to their Cognizance and Juriſdiction by Statute.

Seſſions of the Peace.

The Buſineſs in theſe Courts being done by a Claſs of *Lawyers* called *Attornies* and *Sollicitors* (who ſue out Writs, or

Proceſs, declare for the Plaintiff, join iſſue, and carry on the Proceedings at Law in every Cauſe and Action both for Plaintiff and Defendant, and prepare the Matters to be litigated for the Counſellors, that are retained to plead in thoſe Courts): the Legiſlature to keep out bad and ignorant Practitioners in the Law, and to provide ſkilful and honeſt Attornies and Solicitors for the future, paſt an Act for their Regulation in 2 *Geo.* II.

The Buſineſs of the other Courts will be ſeen in the following Particulars:

Court Baron.

The *Court Baron* is what every Lord of a Manor has a Right to hold within his own Precincts. This Court muſt be held by Preſcription, and is of two Kinds, *viz.* by common Law, and by Cuſtom: the former is where the Barons, or Free-holders, being Suitors, are the Judges: the other is where the Lord, or his Steward, is the Judge.

All the Tenants belonging to the Manor are ſummoned to this Court, where Part of them are ſworn for a *Jury*, which is called the *Homage*. The Steward or Judge directs this Jury to enquire principally of Copy-holders and Free-holders deceaſed ſince the laſt Court, and bring in their next Heirs; alſo of any Incroachment or Intruſion of any Tenant. And they may likewiſe here make Orders or Laws among themſelves with a Penalty for Trangreſſors, payable to the Lord of the Manor.

Court Leet.

The *Court Leet* is ordained for the Puniſhment of Offences under High Treaſon. But though it properly belongs to Lords of Manors, it is not every Manor that has the Privilege and Credit of this Court, otherwiſe called *View of Frank-Pledge*; no Subject being entruſted with this Power, but ſuch as were in Favour with the King, or whom he had a great Confidence in. For wherever this Court is kept, it is reputed to be the King's Court; becauſe its Authority is derived from the Crown.

This Court is kept twice a Year, at certain Times: And in it all, who live within the Homage, are called to ſwear Fidelity: enquiry is made of Riots, Blood-ſhed and private Conſpiracies; and of bad Weights and Meaſures.

Court of Conſcience.

Court of Conſcience is to determine Matters in all Caſes where the Debt or Damage is *under forty Shillings*. This Court, wherever eſtabliſhed, is under the Sanction of Parliament, and intended for the Relief of the Poor, ſo far as to recover their Debts, and to pay their own upon eaſy Terms, or Inſtalments ſuitable to their reſpective Circumſtances.

Court of Requeſt.

The firſt of theſe Courts was called a *Court of Requeſts*, and inſtituted by an Act of Common Council, in *London*, in the Reign of King *Henry* VIII. and ſince confirmed by ſeveral Acts of Parliament. The Judges of this Court are three or more ſubſtantial and credible Houſe-keepers within the Diviſion, who have Power to adminiſter an Oath to the Creditor, to examine Witneſſes, and to make ſuch Order between Plaintiff and Defendant, the Creditor and Debtor, as they think moſt agreeable to Equity and Conſcience. If the Debtor neglects Payment of ſuch Proportions of his Debt, as they ſhall judge to be in his Power; he may be ſerved with an Execution, and carried to Priſon; or if the Perſon cannot be found, his Goods may be ſeized: and if he does not appear on the ſecond Court Day after the Summons, an Attachment may be awarded againſt him.

If a Citizen of London be arreſted for a Debt under forty Shillings, this Court will grant a Summons for the Plantiff in the Action, and oblige the Defendant to pay the Plaintiff his Coſts, and ſuſpend the Attorney that dares to diſobey the Orders of their Court. And wherever a *Court of Requeſts* is eſtabliſhed, the Plaintiff, in all Actions for a Debt under forty Shillings, becomes non-ſuited.

Court Marſhal.

Court Martial is a peculiar Juriſdiction, grown up with the Army, and inſtituted for the puniſhing Offences of Officers by Sea and Land, and of Soldiers and Sailors; and whoſe Powers are regulated by the Mutiny Bill, and the ſeveral Statutes for encouraging and manning the Navy. Theſe Courts are authoriſed by Commiſſion from the King, have a Judge-Advocate, but do not try by Juries. Their Sentence muſt be confirmed by the King, except in Caſes when Neceſſity requires immediate Redreſs and Puniſhment on board his Majeſty's Fleet.

County Court.

The *Sheriff* holds two Courts; one called the *County Court*, the other, the *Sheriff's Turn*.

The County Court is held Monthly, either by the Sheriff, or his Under Sheriff, to hear and determine Civil Cauſes of the County, under forty Shillings; but it is not a Court of Record.

Sheriff's Turn.

The *Sheriff's Turn* is the *King's Leet* throughout all the County; in which Enquiry is made of all criminal Offences againſt the Common Law; where the Sheriff is not reſtrained by Statute Law; and this Court is held twice

twice a Year; once after *Eaſter*, and again after the Feaſt of St. *Michael*. But all Peers of the Realm, Clergymen, and ſuch as keep Courts of their own, are exempted from its Juriſdiction.

Spiritual Courts.

We ſhall now paſs to the *Spiritual Courts* of this Nation, to which are committed the executive Power of the eccleſiaſtical Laws, within the Realm of *England*. The proper Matters for theſe Courts, are Ordinations of the Clergy, Inſtitutions to Benefices, Celebration of Divine Service as by Law eſtabliſhed, Tythes, Oblations, Obventions, Mortuaries, Church Dues or Fees, Church Ornaments, and the Dilapidations and Repairs of Churches, Matrimonial Rights, Divorces, general Baſtardy, Probate of Wills, Adminiſtrations, Penſions, Procurations, Commutation of Penance, Apoſtacy, Simony, Hereſy, Schiſm, Blaſphemy, Fornication, Adultery, Inceſt, *&c. &c.*

How they proceed.

Theſe Courts proceed by the *Civil* and *Canon Law*. Therefore the Manner of their Trials differ from thoſe in the Courts of Common Law. The firſt Step here is by Citation; then a Bill and Anſwer. The next Step is to bring Proofs, Witneſſes, and Preſumption. Then the Matter is argued *pro* and *con*, and the Canon and Civil Law quoted. Upon which Argument the Judge paſſeth deciſive Sentence or Decree with a Jury. Execution follows. But in criminal Caſes, the Trial is by *Accuſation*; the Accuſer taking upon himſelf to prove the Crime. There is alſo a Method of Trial by *Denunciation*, as when a Church Warden, *ex Officio*, preſents upon common Fame. In which Caſe they are not obliged to prove; the Crime being notorious; and it being preſumed, he does it without Malice.

The Diſtinct Courts.

Under this Head we meet with ſeveral Courts; as the *Court of Arches*, the *Court of Audience*, and the *Court of Peculiars*. All which are under the Juriſdiction of the Archbiſhop of *Canterbury*. The Biſhop's Court, or *Conſiſtory Court*. The *Archdeacon's Court*, the *Dean* and *Chapters Court*; and the *Court of Delegates*.

Court of Arches.

The *Court of Arches* is appointed for the Debate of Spiritual Cauſes, and takes its Name from the Arched Church of St. *Mary Le Bow*, in *Cheapſide*, where it was originally held. To this Court are directed all Appeals in Church Matters: and the Proceſs runs in the Name of the Judge, whoſe Title is *Dean of the Arches*, or *Official of*

the Court of Arches: becauſe a peculiar Juriſdiction of *thirteen* Pariſhes belonging to the Archbiſhop of *Canterbury*, within the City of *London*, is commonly joined to this Officialty, and is called a *Deanry*.

Robes of Doctors and Proctors.

In this Court none are allowed to plead, but Doctors of the Civil Law: and both the Judge and Advocates wear ſcarlet Robes with Hoods lined with Taffety, if they be of *Oxford*; or white Minever Fur, if of *Cambridge*; and round black Velvet Caps. There are ten Proctors to manage Cauſes, with Hoods lined with Lamb-ſkins, if not Graduates: but with Hoods proper to their Degree, if Graduates.

Principal Officers.

There are two principal Officers, the *Regiſter* and *Actuary*. The Regiſter receives all Libels, Allegations, and Exhibits of Witneſſes, files all Sentences, and keeps the Records of the Court. The *Actuary* ſets down the Judge's Decrees, regiſters the Acts of the Court, and ſends them, in Books, to the Regiſtry. Under

Beadle.

whom is a Beadle, who carries a Mace before the Judge, and calls the Perſons who are cited to appear. All Places belonging to this Court, are in the Archbiſhop of *Canterbury*'s Gift.

Court of Audience.

The *Court of Audience* is a derivative from a Court, in which the Archbiſhop did anciently ſit in Perſon to hear Cauſes in his own Palace; and left the Determination to certain learned Doctors in the Civil and Canon Law; who were therefore called his *Auditors*. But now thoſe Cauſes are committed to the Deciſion of one. And to this Office or Court was joined the *Archbiſhop's Chancery*, meddling only with Matters of Office; as granting the Cuſtody of Spiritualities, Inſtitution to Benefices, diſpenſing with Banes of Matrimony, granting Marriage-Licences, *&c.* Things which are now diſtinguiſhed from the Audience. The Archbiſhop of *York* has alſo a Court of Audience.

Prerogative Court.

Prerogative Court is where the Archbiſhop of *Canterbury*, by a ſpecial Privilege, beyond thoſe of his Suffragans, can here try all Diſputes, that happen to ariſe concerning the laſt Wills of Perſons within his Province, who have left Goods to the value of *five* Pounds and upwards, unleſs ſuch Things are ſettled by Compoſition between the Metropolitan and his Suffragans; as in the Dioceſe of *London*, where it is ten Pounds. This Court has an Office, in which Copies of all Wills are depo-

ſited: and any Perſon may have the Privilege of ſearching a particular Will for a Shilling. To this Court belong a Judge and a Regiſter; under whom are ſix Clerks, ſeverally appointed for reſpective Counties: The Archbiſhop of *York* has ſuch another Court, called his Exchequer. Officers.

The *Court of Peculiars* extends to all the Pariſhes peculiar to the Sea of *Canterbury*. Which are exempt from epiſcopal Juriſdiction, and have Power within themſelves to prove Wills, *&c.* Court of Peculiars.

The *Biſhop's Court*, or *Conſiſtory Court*, is held by the Biſhop's Chancellor, who ſits as Judge, and within his own Dioceſe takes Cognizance of every Object of the Spiritual Courts of this Nation; with this Difference; that there lies an Appeal from this to the Archbiſhop's Court. Biſhop's Court.

The Archdeacon's Court is limited to certain Matters or ſmall Differences, which may happen to riſe within his Juriſdiction. And the Juriſdiction of a Dean and Chapter does not extend to Cauſes without the Limits of their Cathedral or Collegiate Church. Arch-Deacon's Court.

But as the Body could not act without the Soul, neither could theſe Courts of Law have been ever eſtabliſhed and brought to their preſent Vigour and Utility, without the Power and Aid of the *Legiſlature*; the King, Lords and Commons in Parliament aſſembled. Therefore let us take a View of each of them.

Of the PARLIAMENT.

Of the Name and Antiquity of Parliament.

THE Word *Parliament* is derived from the *French* Words *Parler la ment*, to ſpeak one's Mind; becauſe every Member of that Court ſhould *ſincerely* and *diſcreetly* ſpeak his Mind, *i. e.* his real Opinion, and that on mature Deliberation, for the general good of the Common-wealth: and this Name (ſaith *Coke*, 1 *Inſtit. Fol.* 100.) was uſed before the Reign of *William* the Conqueror, even in the Time of *Edward* the Confeſſor. The Parliament.

ſeſſor. But moſt commonly, in the *Saxons* Time, it was called *Michegemote* or *Witenage-mote*, that is, the *Great mote* [Meeting or Aſſembly, whence the Ward-moots in *London* receive their Name to this Day] or the Wiſe Moote, that is, the Aſſembly of the Wiſe Men and Sages of the Land.

But this Word *Parliament* is uſed in a double Senſe.

1. Strictly, as it includes the *Legiſlative* Power of *England*, as when we ſay an Act of Parliament; And in this Acceptation it neceſſarily includes the *King*, the *Lords*, and the *Commons:* each of which have a *negative* Voice in making Laws, and without their joint Conſent, not any new Laws can paſs, that are obligatory on the Subject.

2. The Word is commonly uſed for the *two Houſes*, the *Lords* and *Commons:* as when we ſay, the *King* will call a Parliament, his Majeſty hath diſſolved his Parliament, *&c.*

The Lords of Parliament are divided into two Sorts, *viz. ſpiritual*, that is to ſay, the *Biſhops*, who ſit there in reſpect of their Baronies, Parcel of their Biſhopricks, which they hold in their politic Capacity; and *temporal.*

The *Commons* of *England* are divided into three Claſſes or Parts, *viz. Knights* or Repreſentatives of the *Shires* or *Counties*; where note, that though the Writ require two Knights to be choſen, and that they are called Knights, yet there is not any Neceſſity that they ſhould actually have the Degree of Knight-hood, provided they are *Gentlemen:* for the Statute 23 *Hen.* VI. *Cap.* 15. hath theſe Words, That the Knights of the Shires for the Parliament hereafter to be choſen, ſhall be *notable Knights* of the ſame Counties for which they ſhall be choſen, or otherwiſe ſuch *notable Eſquires* or *Gentlemen* born of the ſame Counties, as ſhall *able to be Knights*, and no Man to be ſuch Knight, which ſtandeth in the Degree of a *Yeoman* and under.

Secondly, *Citizens* choſen to repreſent *Cities.*

Thirdly, *Burgeſſes*, that is to ſay, thoſe that are choſen out of *Boroughs.*

Note; That the Difference between a *City* and a *Borough* is this, a *City* is a *Borough* incorporate, which is, or has been within time of Memory an epiſcopal See, or had

had a Biſhop; and this, although the Biſhoprick be diſſolved, as *Weſtminſter* having heretofore a Biſhop, (tho' none now) ſtill remains a City. *Coke*, 1 *Inſtit. Sect.* 164. *Boroughs* are *Towns* incorporated, but ſuch as never had any Biſhops.

The particular Buſineſs of Parliament.

By what hath been ſaid, you may perceive the Work of a *Britiſh* Parliament, is not (as ſome would have it) only to be Keys to unlock the Peoples' Purſes. That is but one Part, and perhaps one of the leaſt Parts of their Office. They are to propoſe new Laws that are wanting for the general Good, and to preſs the *Abrogation* of Laws in being, when the Execution of them is found prejudicial or dangerous to the Public. They are to provide for Religion, and the Safety and Honour of the Nation, they have a Power to order the Right of the Crown (underſtand all this with the King's Conſent) and they have very frequently undertaken, and actually limited the ſame, contrary to, and different from, the common Line of Succeſſion. Nay, by the Statute of 13 *Eliz. cap.* 1. It is expreſsly enacted, That if any Perſon ſhall, in any wiſe, hold and affirm, or maintain, that the Queen, with and by the Parliament of *England*, is not able to make Laws and Statutes of ſufficient Force and Validity, to limit and bind the Crown of this Realm, and the Deſcent, Limitation, Inheritance and Government thereof; or that this preſent Statute or any Part thereof, or any other Statute to be made by the Authority of the Parliament of *England*, with the Royal Aſſent for limiting the Crown, is not, was not, or ſhall not, or ought not to be for ever of good and ſufficient Force and Validity to bind, limit, reſtrain and govern all Perſons, their Rights and Titles, and in any wiſe may or might claim any Intereſt or Poſſibility in or to the Crown of *England*, in Poſſeſſion, Remainder, Inheritance, Succeſſion, or otherwiſe howſoever, and all other Perſons whatſoever, every Perſon ſo holding, affirming or maintaining, during the Life of the Queen, ſhall be adjudged a High Traytor, and ſuffer, and forfeit, as in Caſes of High Treaſon is accuſtomed, and every Perſon ſo holding, affirming or maintaining, *after the Deceaſe* of our ſaid Sovereign Lady, ſhall forfeit all his Goods and Chattels.

Which Clauſe, and the laſt Penalty, is now in Force; and ought to be conſidered by thoſe, who may yet pretend that an Act of Parliament cannot diſpoſe of the Succeſſion. The laſt new Editions of the Statutes have ſeverally omitted the whole Statute, as being expired, yet it is very evident by the Words, *after the Deceaſe*, that the Clauſe here ſet forth is ſtill in Force.

As to the Right of making War and Peace, the ſame is granted to be Part of the high Prerogative of our Kings; yet the wiſeſt Monarchs, that have ſat on the Throne of theſe Kingdoms, have very ſeldom entred into any War without the Conſent of Parliament: for 1. Who could give them better Counſel in an Affair of ſuch Moment? 2. The People would more readily expoſe their Perſons in a War, the Juſtice and Expediency whereof was approved by their Repreſentatives, than in any other. 3. The King, from thence, might more certainly promiſe himſelf Supplies of Money, the Sinews of War, to carry on the ſame.

Not any thing is more properly the Work of a Parliament, than to *redreſs Grievances*; to take notice of *Monopolies* and *Oppreſſions*; to curb the Exorbitances of *pernicious Favourites*, and *ill Miniſters of State*; to puniſh ſuch *mighty Delinquents* as look upon themſelves too great for the ordinary Reach of Juſtice; and to inſpect the Conduct of thoſe, who are intruſted with the *Adminiſtration of the Laws*, or *diſpoſal* of the *publick Treaſure* of the Nation: all Crimes of theſe and the like Kinds, are public Nuiſances, common Miſchiefs, wound the whole Body politic in its vital Parts, and can ſcarce be diſcovered or redreſſed (by reaſon of the Power and Influence of the Offenders) but in this great and awful Senate, before whom the haughtieſt Criminals tremble: and it has been obſerved, that they ſcarce ever proſecuted any (tho' ever ſo great, or highly in Favour at Court) but ſooner or later they ſucceeded, and it proved the Offender's Ruin: as was the Caſe of *Edward* the *Second*'s Favourite *Pierce Gaveſton*, a *French* Gentleman: and of the Judges of *England* in *Richard* the *Second*'s Time, who, to gratify ſome corrupt and pernicious Favourites about the King, being ſent for to *Nottingham*, were, by Perſuaſions and Menaces, prevailed upon to give falſe and illegal Reſolutions to ſeveral Queſtions propoſed to them, declaring

declaring certain Matters to be Treaſon, which in truth were not ſo; for which, in the next Parliament, they were called to account, and *attainted:* and Sir *Robert Treſilian*, Lord Chief Juſtice of *England*, was drawn from the *Tower* through *London* to *Tyburn* and there hanged: As likewiſe was *Blake* one of the King's Council, and *Uſke* the Under-Sheriff of *Middleſex*, who was to pack a Jury to ſerve a peculiar Purpoſe, againſt certain innocent Lords, and others, whom they intended to have had taken off. Five more of the Judges were baniſhed, and their Lands and Goods forfeited. And the Archbiſhop of *York*, the Duke of *Ireland*, and the Earl of *Suffolk*, three of the King's evil Counſellors, were forced to fly, and they afterwards died miſerable Fugitives in foreign Parts.

Likewiſe Sir *Richard Empſon*, Knight, and *Edmund Dudley*, one of the Barons of the Exchequer, who having, by Colour of an Act of Parliament for trying People for ſeveral Offences without *Juries*, committed great Oppreſſions, were proceeded againſt in Parliament, and loſt their Heads.

Sir *Francis Bacon*, viſcount St. *Alban*, Lord Chancellor of *England*, was diſmiſſed from his Place, and committed to the *Tower* for Bribery.

In the Time of *Charles* I. moſt of the Judges that had given their Opinions contrary to Law in the Caſe of Ship-Money, were called to an Account, and forced to fly for the ſame. And in the nineteenth Year of *Charles* the *Second*, the Earl of *Clarendon*, Lord Chancellor of *England*, that great Man, being queſtioned in Parliament, and retiring thereupon beyond the Seas, was by a ſpecial Act baniſhed and diſabled. In a Word, it was well and wiſely ſaid by that excellent Stateſman, Sir *William Cecil*, Lord *Burleigh*, and high Treaſurer of *England*, That, "he knew not what an Act of Parliament might "not do."

As the Juriſdiction of this Court is ſo tranſcendent; ſo the Rules and Methods of proceeding there are different from thoſe of other Courts. For (ſaith *Coke*, 4 Inſtit. Fol. 15.) "As every Court of Juſtice hath Laws and "Cuſtoms for its Direction, ſome by the Common "Law, ſome by the Civil and Canon Law, ſome by "peculiar Laws and Cuſtoms, *&c.* So the *High Court*

of

" *of Parliament* ſubſiſts by its own peculiar Laws and " Cuſtoms. It is the Law and Cuſtom of Parlia- " ment, that all weighty Matters in any Parliament " moved concerning the Peers, and Commons in Par- " liament aſſembled, ought to be determined, adjudged " and diſcuſſed by the Courſe of *Parliament*, and not by " the *Civil* Law, nor yet by the *Common Laws* of this " Realm, uſed in more inferior Courts. Which was ſo " declared to be according to the Law and Cuſtom of " Parliament, concerning the Peers of the Realm, by " the King, and all the Lords ſpiritual and temporal; " and the like, for the ſame Reaſon, is for the Com- " mons, for any thing moved or done in the Houſe of " Commons: and the rather, for that by another Law " and Cuſtom of Parliament, the King cannot take " notice of any thing ſaid or done in the Houſe of Com- " mons, but by the Report of the Houſe of Commons: " And every Member of the Parliament hath a judicial " Place, and cannot be a Witneſs. And this is the " Reaſon, that Judges ought not to give any Opinion of " a Matter of Parliament, becauſe it is not to be decided " by the Common Law, but according to the Law and " Cuſtom of Parliament: And ſo the Judges in divers " Parliaments have confeſſed. And ſome hold that eve- " ry Offence committed in any Court, puniſhed by " that Court, muſt be puniſhed (proceeding criminally) " in the ſame Court, or in ſome higher, and not by " any inferior Court, and the Court of Parliament hath " not any higher. *"

In the Reign of *Charles* the *Second*, great Complaints were made about the Houſe of Commons ſending for ſome Perſons into Cuſtody by their Serjeant at Arms; but certainly they did no more, than their Predeceſſors had often done: every Court muſt be ſuppoſed armed with a Power to defend itſelf from Affronts and Inſults. In all Ages, when the Houſe has appointed particular Committees, hath it not been uſual to order, that they be impowered to ſend for Perſons, Papers, and Records?

1. *Anno* 20 *Jacobi*, Doctor *Harris*, Miniſter of *Bletchingly* in *Surrey*, for miſbehaving himſelf by preaching and

* See *Coke* in 4 Inſtit. Fol. 15.

other-

otherwiſe, about Elections of Members of Parliament, upon Complaint, was called to the Bar of the Houſe of Commons, and there, as a Delinquent, on his Knees, had Judgment to confeſs his Fault there, and in the Country in the Pulpit of his Pariſh Church, on *Sunday* before Sermon.

2. *Anno* 21 *Jacobi*, *Ingrey* Under-Sheriff of *Cambridgeſhire*, for refuſing the Poll, upon the Promiſe of Sir *Thomas Steward* to defend him therein, kneeling at the Bar, received Judgment to ſtand committed to the Serjeant at Arms, to make Submiſſion at the Bar, acknowledge his Offence there, to make a farther Submiſſion openly at the Quarter Seſſions, and there alſo to acknowledge his Fault.

3. *Anno* 20 *Jacobi*, the Mayor of *Arundel*, for miſbehaving himſelf in an Election, by putting the Town to great Charge, not giving a due and general Warning, but packing a Number of Electors, was ſent for by Warrant, ordered to pay all the Charge, and the Houſe appointed certain Perſons to adjuſt the Charges.

4. 3 *Car.* I. Sir *William Wray*, and others, Deputy Lieutenants of *Cornwall*, for aſſuming to themſelves a Power to make whom they pleaſed *Knights*, and defaming thoſe Gentlemen that then ſtood to be choſen, ſending up and down the Country Letters for the Train-bands to appear at the Day of Election, and menacing the Country, under the Title of his *Majeſty's Pleaſure*; had Judgment, 1. to be committed to the Tower. 2. To make Acknowledgment of their Offence at the Bar of the Houſe upon their Knees, which was done. 3. And to make an Acknowledgment and Submiſſion at the Aſſizes in *Cornwall*, in a Form drawn up by a Committee.

5. But the moſt remarkable Proceedings are in the ſame Parliament, *Anno* 1628, againſt Dr. *Manwaring*, who being there charged with preaching and publiſhing offenſive Sermons, *&c.* was ordered by the Houſe,

1. To be impriſoned during the Pleaſure of the Houſe.

2. To be fined a thouſand Pounds.

3. To make his Submiſſion at the Bar in this Houſe, and in the Houſe of Commons, at the Bar there, *in verbis*

bis conceptis, a ſet Form of Words framed by a Committee of this Houſe.

4. To be ſuſpended from his miniſterial Function three Years, and in the mean Time a ſufficient preaching Man to be provided out of the Profits of his Living, and this to be left to be performed by the eccleſiaſtical Court.

5. To be diſabled for ever hereafter from preaching at Court.

6. To be for ever diſabled of having any eccleſiaſtcal Dignity in the Church of *England*.

7. To be uncapable of any ſecular Office or Preferment.

8. That his Books are worthy to be burned, and his Majeſty to be moved, that it may be ſo in *London* and both the Univerſities.

In fact, it is the High Court of Parliament only that can hinder the Subject from being given up as a Prey to the arbitrary Pleaſure, not only of the Prince, if he ſhould attempt it, but (which is much worſe) to the unreaſonable Paſſions and Luſts of Favourites, chief Miniſters, and Women; when otherwiſe, inſtead of a Monarch (who, as ſometimes it may happen, ſhall govern but in Name) we might be ruled, like the ancient *French*, by an inſolent Major of the Palace, who will be ſure to mind the private Intereſt of himſelf and Family, more than that of the Prince, or the publick Good: Or like the *Turkiſh* Empire under a weak Grand Signior, by the prevailing Concubine of the Seraglio, who is perhaps herſelf managed by no other Dictates, than that of her chief Eunuch, or of her favourite She-ſlave.

As at preſent we live under a Government, the moſt perfect in *Europe*, where being ſecurely landed ourſelves we behold the Shipwreck of our Neighbours; it is the indiſpenſible Intereſt and Duty of every true *Briton* to maintain thoſe Privileges, which have been conveyed to us from our Anceſtoas, through ſo many Generations, inviolable; upon which all our temporal (and in a great Meaſure our eternal) Happineſs, Safety, and Well-being depends. And every one muſt acknowledge that the only right way to attain that End, is to obſerve well the Means, which is, by taking care what Perſons are choſen

choſen for the Peoples' Repreſentatives, with whom we muſt truſt our Lives, our Properties, and our Liberties.

The Parliament, as to making and enacting Laws, conſiſteth of the King, the Lords ſpiritual and temporal, and the Commons: therefore a Bill does not become an Act of Parliament, unleſs it be paſſed by Lords ſpiritual and temporal, and the Commons, or Repreſentatives of the People, and ſigned by the King.

Acts. The Laws made by theſe three Eſtates in Parliament are called *Statutes*, or *Acts of Parliament*; and granted by the King upon the Repreſentation and Requeſt of the Commons, and by and with the Advice and Conſent, of the Lords ſpiritual and temporal: for without the Royal Aſſent, except the King ſays *Le Roy le veult*, all Bills, though they have paſſed both Houſes of Parliament, are but like an untimely Birth, and die in Embrio. Thus the Power that makes it a Law; the Authority that animates it, and makes it differ from a dead Letter, is in the King.

Calling of Parliament. As no Bill can obtain the Force of a Law without the Royal Aſſent; ſo no Parliament can convene and ſit without the Preſence of the Sovereign or his legal Repreſentative; which is a Commiſſion under the Great Seal, conſtituting certain Lords of Parliament to repreſent his Perſon, when infirm; or a Guardian of the Realm appointed by Letters Patents under the Great Seal, in his Abſence in foreign Parts.

If the Parliament is to convene during the Abſence of the King, and a Guardian, or Commiſſioners, are appointed, there muſt be a ſpecial Commiſſion to them, to begin the Parliament, and to proceed therein; and the *Teſte* of the Writ of Summons for the meeting and holding the Parliament, muſt be in the Guardian's Name. And every Summons for the meeting and holding a Parliament goes out, at leaſt forty Days before the Parliament is to ſit.

The Guardian and Commiſſioners repreſenting the King's Perſon in the Houſe of Lords, are placed or ſeated on a Bench prepared for them near to the Degrees, that go up to the Cloth of State.

Though the Method above is legally required to ſummon a Parliament; we have Caſes where it has been diſpenſed

diſpenſed with, particularly the Convention of the States, that met at *Weſtminſter* on the 22d Day of *January*, 1688, by Virtue of the Prince of *Orange*'s circular Letters, before he was proclaimed King of this Realm. But as ſoon as King *William* and Queen *Mary* were inveſted with the Sovereign Power, they ſummoned a Parliament in due Form, which declared the *Convention* to be a *free Parliament*, notwithſtanding the Want of Summons by the King's Writ, *&c.*

Manner of holding a Parliament.

On the firſt Day of the Parliament's meeting, the King, or ſome Perſon or Perſons commiſſioned by him, repair to the Houſe of Peers, and having commanded the Commons to attend, makes a Speech, to ſhew the Reaſons for calling them together, and diſmiſſeth the Commons, with a Command to chuſe a Speaker.

The Speaker of the Houſe of Commons.

The Commons being returned to their Houſe, in Obedience to the Royal Command, chuſe their Speake, who is generally one recommended by the Sovereign. For, tho' they have a Right to chuſe a Speaker, who is their Mouth, and truſted by them, and ſo neceſſary that the Houſe of Commons cannot ſit without him, the King has a Right to diſallow or to refuſe him, after he is choſen. Though this is the higheſt Poſt, to which any Commoner can aſcend, it is uſual for the Speaker, thus choſen, to decline or to diſable himſelf to the Houſe of Commons, and to deſire them to proceed to another Choice. Which being denied, and he ſet, as it were, with Violence in the Speaker's Chair, he then addreſſes himſelf to the Houſe, and deſires that they will give him Leave to diſable himſelf to the King; and when they have brought him to the Houſe of Lords, and preſent him to his Majeſty, the Speaker again diſables himſelf, and declares his Unfitneſs to diſcharge the high Office, into which he is choſen. But being confirmed by his Majeſty, he then deſires that the Commons may have free Speech, and be free from Arreſts, and have all their ancient and free Privileges allowed them; and he prays, that if, in any thing that he ſhall deliver in the Name of the Commons, he ſhall commit an Error, it may not be imputed to the Commons, but that he may reſort to them again to know their true Intent, and that his Error may be pardoned. And, laſtly, he requeſts, that as often as Neceſſity, for his Majeſty's Service, and the Good

Good of the Common-wealth ſhall require, he may, by the Direction of the Houſe of Commons, have Acceſs to his Royal Perſon. This Proteſt, as it is called, being made, and the Commons, with their Speaker, returned to St. *Stephen*'s Chapel, the Speaker, in the Chair, deſires the Commons, that, as they have choſen him for their Mouth, they would aſſiſt him in their arduous and important Affairs, and concludes with promiſing that he, with all Faithfulneſs, will do them the beſt Service he is able: or to that Effect.

Number of Members in the Houſe of Commons.

The Houſe of Commons conſiſts of five Hundred and thirteen Members to repreſent *England* and *Wales*; and forty-five Members to repreſent the People of *Scotland*, whoſe particular Shires, Cities and Boroughs will be particularly deſcribed in the Courſe of this Work.

There is at preſent very little regard paid to the Proportion each County, City and Borough pays towards the Support of the Dignity of the Crown, the Government, and the Defence of the Nation: and, if that Maxim be ſelf-evident, as it is always allowed, that the Right which the Natives of this Iſland have to all Places of Honour or Profit in our Government, depends upon the Number of Repreſentatives ſent to Parliament by the County or Place where they were born; and that the Number of Repreſentatives ſent to Parliament by every County or Place, ought to be in Proportion to the Share it contributes towards our publick Revenue; it muſt be allowed, that a very conſiderable Part of our Houſe of Commons ought to conſiſt of ſuch as were born in, and choſen by the County of *Middleſex*, and its two Cities of *London* and *Weſtminſter*, and conſequently, that it is a glaring Defect in our Conſtitution, to allow them to chuſe but eight of the five Hundred and thirteen Members that are choſen by *England*, conſidering the Share they contribute towards the publick Revenue; as every Man muſt be convinced, that will be at the Pains to examine the Land-tax Act. For when by that Act there is to be 1,989,900*l.* raiſed by the Land-tax in *England*; there is to be 299,146*l.* thereof raiſed by the County, and places within the County, of *Middleſex* alone. In order therefore to compute what Number of Members *Middleſex* ought to have in the Houſe of Commons, let us deduct 299,146*l.* from 1,989,900*l.* and the Reſidue

Reſidue will be, 1,690,754; next let us deduct eight from five hundred and thirteen, and the Reſidue will be five hundred and five; and then by the Rule of Proportion ſtate it thus,

1,690,754 : 505 : : 299,146 : 89.

That is to ſay, if the Land-tax paid by all the reſt of *England* (except the County of *Middleſex*) intitles them to ſend five hundred and five Repreſentatives to Parliament, what Number will the Land-tax paid by the County of *Middleſex* intitle that County to ſend? And the Anſwer will be found by Calculation to be 89, with a Fraction, which I take no Notice of; but if the Books of our Cuſtom Houſe, Exciſe-Office, Stamp-Office, Salt-Office, *&c.* were to be inſpected, I believe it would from thence appear, that of all our other Taxes the Inhabitants of this County pay a greater Proportion than they do of the Land Tax; and conſequently, I may ſuppoſe that, if this County had its Right, it ought, by our Conſtitution, to be intituled to ſend at leaſt one hundred Members to Parliament.

Exceptions and Qualifications.

No Perſon who has any Penſion for any Number of Years from the Crown *; no Judge of the *King's-Bench*, *Common-Pleas*, or *Exchequer*; no Clergyman; no Man attainted of Felony, or Treaſon; no Foreigner not naturalized; nor any Perſon not poſſeſſed of *ſix hundred Pounds per Annum*, may be elected for a Knight of the Shire; or of *three hundred Pounds* a Year, may be elected a Repreſentative for a Borough in the Houſe of Commons.

Before the Commons can enter upon any Buſineſs, and even before the Choice of a Speaker, all the Members enter the Court of Wards, and there, before the Lord Steward of the Houſhold, or ſome other Officer appointed by his Majeſty, they take the Oaths of Allegiance, Supremacy, and other appointed by the 1ſt *Will.* and *Mary*.

Theſe Members are choſen after divers Manners. They who are Repreſentatives of Counties are diſtinguiſhed by the Title of *Knights of the Shire*, and are elected by the *Freeholders* only of each County, poſſeſſed of forty Shillings *per Annum*, above all Charges, Dwel-

* See 1 *Geo.* I. ſtat. 2. c. 56.

ling

ing and reſiant in the ſaid County: and by 1 *Hen.* V. c. 1. the Knights of the Shires ſhall not be choſen, unleſs they alſo be *reſident within the Shire.**

" Whereas it is found by Experience, that the Laws " already in being have not been ſufficient to prevent " corrupt and illegal Practices in the Election of Mem- " bers to ſerve in Parliament;" for Remedy therefore of ſo great an Evil, and to the End that all Elections of Members to Parliament may hereafter be freely and indifferently made, without Charge or Expence, it was enacted by 2 *Geo.* II. c. 24. that upon every Election of any Member or Members to ſerve for the Commons in Parliament, every Freeholder, Citizen, Freeman, Burgeſs, or Perſon having or claiming to have a Right to vote or be polled at ſuch Election, ſhall, before he is admitted to poll at the ſame Election, take the following Oath (or, being one of the People called *Quakers*, ſhall make the ſolemn Affirmation appointed for *Quakers*) in Caſe the ſame ſhall be demanded by either of the Candidates, or any two of the Electors; that is to ſay.

Act 2 Geo. II. to prevent Bribery and Corruption.

* 1 *Hen.* V. c 1.

What ſort of People ſhall be choſen, and who ſhall be the Chooſers of of the Knights and Burgeſſes of the Parliament.

Firſt, that the Statutes of the Election of the Knights of the Shires to come to the Parliament, be holden and kept in all Points: 2. Adjoining to the ſame, That the Knights of the Shire which from henceforth ſhall be choſen in every Shire, be not choſen *unleſs they be reſident within the Shire* where they ſhall be choſen the Day of the Date of the Writ of the Summons of the Parliament: 3. And that the Knights and Eſquires, and others which ſhall be Chooſers of thoſe Knights of the Shires, be *alſo reſident within the ſame Shires*, in Manner and Form as is aforeſaid: 4. And moreover it is ordained and eſtabliſhed, That the Citizens and Burgeſſes of the Cities and Boroughs be choſen Men, Citizens and Burgeſſes *reſiant*, *dwelling* and *free* in the ſame Cities and Boroughs, and no other in any wiſe.

See alſo the *Statute Anno* 8 *Hen.* VI. *cap.* 7. and 10 *Hen.* VI. *c.* 2. By an old Roll of Parliament in 46 *Edw.* III. *ex Rot. in turri* Lond. No Man of the Law purſuing Buſineſs in any of the King's Courts, nor any Sheriff, during the Time he is Sheriff, is to be returned, or accepted, a Knight of the County or Shire, *&c.*

Oath at Elections.

" I *A. B.* do ſwear, *(or, being one of the People called* " Quakers, I *A. B.* do ſolemnly affirm) I have not re- " ceived, or had by myſelf, or any Perſon whatſoever in " truſt for me, or my Uſe and Benefit, directly or in- " directly, any Sum or Sums of Money, Office, Place " or Employment, Gift or Reward, or any Promiſe or " Security for any Money, Office, Employment or " Gift, in order to give my Vote at this Election, " and that I have not been before polled at this Elec- " tion."

Which Oath or Affirmation the Officer or Officers preſiding or taking the Poll at ſuch Election, is and are hereby impowered and required to adminiſter *gratis*, if demanded, as aforeſaid, upon Pain to forfeit the Sum of fifty Pounds of lawful Money of *Great Britain*.

II. That if any Sheriff, Mayor, Bailiff, or other returning Officer, ſhall admit any Perſon to be polled without taking ſuch Oath or Affirmation, if demanded as aforeſaid, ſuch returning Officer ſhall forfeit the Sum of one hundred Pounds, together with full Coſts of Suit; and that if any Perſon ſhall vote or poll at ſuch Election without having firſt taken the Oath, or if a *Quaker*, having made his Affirmation, as aforeſaid, if demanded, ſuch Perſon ſhall incur the ſame Penalty, which the Officer is ſubject to for the Offence above-mentioned.

III. That every returning Officer of any Member to ſerve in Parliament, ſhall immediately after the reading the Writ or Precept for the Election of ſuch Member, take and ſubſcribe the following Oath, *videlicet*.

Returning Officers Oath.

" I *A. B.* do ſolemnly ſwear, That I have not, " directly nor indirectly, received any Sum or Sums of " Money, Office, Place, or Employment, Gratuity or " Reward, or any Bond, Bill or Note, or any Pro- " miſe of Gratuity whatſoever, either by myſelf, or any " other Perſon to my Uſe, or Benefit or Advantage, " for making any Return at the preſent Election of " Members to ſerve in Parliament; and that I will re- " turn ſuch Perſon or Perſons as ſhall, to the beſt of " my Judgment, appear to me to have the Majority of " legal Votes.

IV. That ſuch Votes ſhall be deemed to be legal, which

which have been ſo declared by the laſt Determination in the Houſe of Commons; which laſt Determination concerning any County, Shire, City, Borough, Cinque Port or Place ſhall be final to all Intents and Purpoſes whatſoever, any Uſage to the contrary notwithſtanding.

V. That if any returning Officer, Elector, or Perſon taking the Oath or Affirmation herein before mentioned, ſhall be guilty of wilful and corrupt Perjury, or of falſe affirming, and be thereof convicted by due Courſe of Law, ſhall incur and ſuffer the Pains and Penalties, which by Law are enacted or inflicted in Caſes of *wilful and corrupt Perjury*.

VI. That no Perſon convicted of wilful and corrupt Perjury, or ſubornation of Perjury, ſhall, after ſuch Conviction, be capable of voting in any Election of any Member or Members to ſerve in Parliament.

VII. That if any Perſon who hath, or claimeth to have, or hereafter ſhall have, or claim to have any Right to vote in any ſuch Election, ſhall aſk, receive or take any Money or other Reward, by way of Gift, Loan, or other Device, or agree or contract, for any Money, Gift, Office, Employment or other Reward whatſoever, to give his Vote, or to refuſe or forbear to give his Vote in any ſuch Election, or if any Perſon by himſelf, or any Perſon employed by him, doth or ſhall, by any Gift or Reward, or by any Promiſe, Agreement or Security for any Gift or Reward, corrupt or procure any Perſon or Perſons to give his or their Vote or Votes, or to forbear to give his or their Vote or Votes in any ſuch Election; ſuch Perſon ſo offending in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit the Sum of *five hundred Pounds* of lawful Money of *Great Britain*, together with full Coſts of Suit; and every Perſon offending in any of the Caſes aforeſaid, from and after Judgment obtained againſt him in any ſuch Action of Debt, Bill, Plaint, or Information, or ſummary Action or Proſecution, or being any otherwiſe lawfully convicted thereof, ſhall for ever be diſabled to vote in any Election of any Member or Members to Parliament, and alſo ſhall for ever be diſabled to hold, exerciſe, or enjoy any Office or franchiſe to which he and they then ſhall, or at any Time afterwards may be intitled, as a Member of any City, Bo-

rough, Town corporate, or cinque Port, as if ſuch Perſan was naturally dead.

VIII. That if any Perſon offending againſt this Act ſhall, within the Space of twelve Months next after ſuch Election as aforeſaid, diſcover any other Perſon or Perſons offending againſt this Act, ſo that ſuch Perſon or Perſons ſo diſcovered be thereupon convicted, ſuch Perſon ſo diſcovering, and not having been before that Time convicted of any Offence againſt this Act, ſhall be indemnified, and diſcharged from all Penalties and Diſabilities which he ſhall then have incurred by any Offence againſt this Act.

IX. And for the more effectual Obſervance of this Act, it was enacted, That all and every the Sheriffs, Mayors, Bailiffs, and other Officers, to whom the Execution of any Writ or Precept, for electing any Member or Members to ſerve in Parliament ſhall belong and appertain, ſhall and are hereby required, at the Time of ſuch Election, immediately after the reading ſuch Writ or Precept, read or cauſe to be read openly before the Electors there aſſembled, this preſent Act, and every Clauſe therein contained; and the ſame ſhall alſo openly be read once in every Year at the general Quarter Seſſions of the Peace to be holden next after *Eaſter*, for any County or City, and at every Election of the chief Magiſtrate in any Borough, Town corporate, or Cinque Port, and at the annual Election of Magiſtrates, and Town Counſellors, for every Borough within that Part of *Great Britain* called *Scotland*.

X. And, That every Sheriff, Under-Sheriff, Mayor, Bailiff and other Officer, to whom the Execution of any Writ or Precept for the electing of Members to ſerve in Parliament doth belong, for *every* willful Offence contrary to this Act, ſhall forfeit the Sum of fifty Pounds, to be recovered, together with full Coſts of Suit.

XI. Provided always, That no Perſon ſhall be made liable to any Incapacity, Diſability, Forfeiture, or Penalty by this Act laid or impoſed, unleſs Proſecution be commenced within two Years after ſuch Incapacity, Diſability, Forfeiture or Penalty ſhall be incurred, or in Caſe of a Proſecution the ſame be carried on without wilful Delay; any thing herein contained to the contrary notwith-

notwithſtanding, which Clauſe is thus explained by an Act 9 *Geo.* II. c. 38, whereby it was enacted, That whereas Proſecutions may have been or may be commenced againſt Perſons offending againſt the ſaid Act, by ſuing out original or other Writs or Proceſſes againſt ſuch Perſons ſo offending, within two Years after the incurring any Incapacity, Diſability, Forfeiture or Penalty laid or impoſed by the ſaid Act, and Perſons ſo ſuing out ſuch original or other Writs or Proceſſes may have delayed, or may delay, to ſerve the ſame, without giving the Perſons, againſt whom ſuch original or other Writs or Proceſſes may have been or may be ſued out, any notice thereof, by reaſon of which Practice the ſaid Proviſion for limitting the Time for the Proſecution of Perſons offending againſt the ſaid Act is or may be evaded; now for explaining and amending the ſaid Proviſion, Be it enacted, That no Perſon ſhall be made liable to any Incapacity, Diſability, Forfeiture or Penalty by the ſaid Act laid or impoſed, unleſs ſuch Perſon has been or ſhall be *actually* and *legally arreſted*, *ſummoned*, or otherwiſe *ſerved* with any ſuch original or other Writ or Proceſs, within the Space of two Years after any Offence againſt the ſaid Act has been or ſhall be committed, ſo as the Service of any ſuch Original or other Writ or Proceſs hath not been or ſhall not be prevented by ſuch Perſon abſconding or withdrawing out of this Kingdom.

Geo. II. c. 38. explaining the laſt Clauſe of the foregoing Act.

The following is the Freeholders Oath, appointed by the 18 Geo. II. c. 18.

" You ſhall ſwear (or being one of the People called " Quakers, you ſhall ſolemnly affirm) that you are a " Freeholder in the County of and have a " Freehold Eſtate, conſiſting of (ſpecifying, " the Nature of ſuch Freehold Eſtate, whether Meſſuage " Land, Rent, Tythe, or what elſe; and if ſuch Free- " hold Eſtate conſiſts in Meſſuages, Lands, or Tythes, " then ſpecifying in whoſe Occupation the ſame are; " and if in Rent, then ſpecifying the Names of the " Owners or Poſſeſſors of the Lands or Tenements, " out of which ſuch Rent is iſſuing, or of ſome or one " of them) lying or being at in " the

Freeholders Oath.

" the County of of the clear yearly value
" of forty Shillings, over and above all Rents and
" Charges payable out of, or in reſpect of the ſame;
" and that you have been in the actual Poſſeſſion or
" Receipt of the Rents and Profits thereof, for your
" own Uſe, above *twelve Kalendar Months*, or that the
" ſame came to you, within the time aforeſaid, by De-
" ſcent, Marriage, Marriage-Settlement, Deviſe, or
" Promotion to a Benefice in a Church, or by Promotion
" to an Office; and that ſuch Freehold Eſtate has not
" been granted or made to you fraudulently, on purpoſe
" to qualify you to give your Vote; and that the Place
" of your Abode is at in
" and that you are twenty-one Years of
" Age, as you believe, and that you have not been
" polled before at this Election."

In the 19 *Geo.* II. c. 28. there paſſed the following Act for the better regulating of Elections of Members to ſerve in Parliament, for ſuch Cities and Towns in that Part of *Great Britain* called *England*, as are Counties of themſelves.

19 Geo. II. c. 28. Whereas by an Act made and paſſed in the laſt Seſſion of Parliament, intituled, *An Act to explain and amend the Laws, touching the Elections of Knights of the Shire to ſerve in Parliament for that Part of* Great Britain *called* England, ſeveral good Proviſions were enacted for the better regulating the ſaid Elections; and whereas it is reaſonable, that like Proviſions ſhould be made for the due Election of Members to ſerve in Parliament, for ſuch Cities and Towns in that Part of *Great Britain* called *England*, as are Counties of themſelves, and in which Perſons have a Right to vote for electing ſuch Members, for and in reſpect of Freehold Lands, Tenements or Hereditaments, of the yearly value of forty Shillings; Therefore be it enacted, That every Perſon demanded to vote for the Election of any Member to ſerve in Parliament for ſuch City or Town, being a County of itſelf, in that Part of *Great Britain*, called *England*, for and in Reſpect of any Freehold Eſtate of forty Shillings a Year, ſhall, before he is admitted to poll at the ſaid Election (if required by the Candidates, or any of them, or any Perſon having a Right to vote

at

at the ſaid Election) firſt take the Oath, (or being a Quaker, the ſolemn Affirmation) following, *videlicet*,

" You ſhall ſwear (or, being a Quaker, you ſhall ſolemnly affirm) That you have a Freehold Eſtate conſiſting of, (ſpecifying the Nature of ſuch Freehold Eſtate, whether Meſſuage, Land, Rent, Tythe, or what elſe; and if ſuch Freehold Eſtate conſiſts in Meſſuages, Lands, or Tythes, then ſpecifying in whoſe Occupation the ſame are; and if Rent, then ſpecifying the Names of the Owner or Poſſeſſors of the Lands or Tenements, out of which ſuch Rent is iſſuing, or ſome or one of them) lying or being in the City and County, or Town and County (as the Caſe may be) of of the clear yearly Value of forty Shillings, over and above all Rents and Charges payable out of, or in reſpect of the ſame; and that you have been in the actual Poſſeſſion or Receipt of the Rents and Profits thereof, for your own Uſe, above twelve Calendar Months; or that the ſame came to you within the time aforeſaid by Deſcent, Marriage, Marriage-Settlement, Deviſe, or by Promotion to a Benefice in a Church, or by Promotion to an Office; and that ſuch Freehold Eſtate has not been granted or made to you fraudulently, on purpoſe to qualify you to give your Vote; and that the Place of your abode is at in and that you are twenty-one Years of Age, as you believe; and that you have not been polled before at this Election." Electors Oath.

Which Oath (or ſolemn Affirmation) the Sheriff or Sheriffs, by him or themſelves, or his or their Under-Sheriff or Under-Sheriffs, or ſuch ſworn Clerk or Clerks, as ſhall be by him or them appointed for the taking of the Poll, is and are hereby required to adminiſter; and in Caſe any Freeholder, or other Perſon, taking the ſaid Oath or Affirmation hereby appointed, ſhall thereby commit wilful Perjury, and be thereof convicted; and if any Perſon do unlawfully and corruptly procure or ſuborn any Freeholder, or other Perſon, to take the ſaid Oath or Affirmation, in order to be polled, whereby he ſhall commit ſuch wilful Perjury, and ſhall be thereof convicted; he and they, for every ſuch Offence, ſhall incur Pains and Penalties, as are in and by two Acts of Parliament, the one made in the fifth Year of the Reign

of the late Queen *Elizabeth*, intituled, *An Act for puniſhment of ſuch Perſons as ſhall procure or commit wilful Perjury*; * the other made in the ſecond Year of the Reign of his preſent Majeſty, intituled, *An Act for the more effectual preventing and further Puniſhment of Forgery, Perjury, Subornation of Perjury; and to make it Felony to ſteal Bonds, Notes, or other Securities for Payment of Money*; † directed to be inflicted for Offences committed contrary to the ſaid Acts.

III. Provided always, That no Perſon ſhall vote for the electing a Member or Members to ſerve in Parliament for ſuch City or Town, being a County of itſelf as aforeſaid, within that Part of *Great Britain* called *England*, in reſpect or in right of any Freehold, Meſſuages, Lands or Tenements, of the yearly value of forty Shillings as aforeſaid, which have not been charged or aſſeſſed towards ſome aid granted, or hereafter to be granted to his Majeſty, his Heirs or Succeſſors, by a Land-tax in *Great Britain*, twelve Calendar Months next before ſuch Election; Provided, That nothing herein contained ſhall extend, or be conſtrued to reſtrain any Perſon from voting in any ſuch Election for Cities and Towns as are Counties of themſelves as aforeſaid, in reſpect or in right of any Rents, or any Meſſuages or Seats belonging to any Offices, in regard or by reaſon that the ſame have not been uſually charged or aſſeſſed to the Aid commonly called the Land-tax;

IV. And, That no Perſon ſhall vote in ſuch Election of a Member or Members to ſerve in Parliament for any City or Town being a County of itſelf, and in

* Subornation a Penalty of forty Pounds. For want of Effects to pay ſuch Penalty, a Year's Impriſonment, and Pillory in the open Market, and rendered incapable of giving Evidence in any Court of Record. Committing of Perjury twenty Pounds Penalty, ſix Months Impriſonment, and the Perſon rendered incapable of giving Evidence. If he cannot pay the twenty Pounds to be ſet in the Pillory, in the Market-place, and for ever diſcredited.

† Perjury and Subornation of Perjury, Commitment to the Houſe of Correction, for any Term not exceeding ſeven Years, there to be kept to hard Labour, or Tranſportation for a Term not exceeding ſeven Years, and return from Tranſportation, Death, as a Felon.

which

which Perſons have a right to vote for ſuch Members, for and in reſpect of Lands, Tenements, or Hereditaments, of the yearly value of forty Shillings, unleſs ſuch Perſons ſhall have a Freehold Eſtate in the City and County, or Town and County, for which he votes, of the clear yearly value of forty Shillings, over and above all Rents and Charges payable out of or in reſpect of the ſame, and ſhall have been in the actual Poſſeſſion or in the Receipt of the Rents and Profits thereof for his own Uſe, above twelve calendar Months, except the ſame came to him within the Time aforeſaid by Deſcent, Marriage, Marriage Settlement, Deviſe or Promotion to any Benefice in a Church, or by Promotion to an Office; and no Perſon ſhall vote in reſpect or in right of any Freehold Eſtate which was made or granted to him *fraudulently*, on purpoſe to qualify him to give his Vote, or ſhall vote more than once at the ſame Election; and if any Perſon ſhall vote in any ſuch Election contrary to the true Intent and Meaning hereof, he ſhall forfeit to any Candidate, for whom ſuch Vote ſhall not have been given, and who ſhall firſt ſue for the ſame, the Sum of forty Pounds, to be recovered by him or them, his or their Executors or Adminiſtrators, together with full Coſts of Suit, by Action of Debt, in any of his Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoin, Protection, Wager of Law, Privilege or Imparlance ſhall be admitted or allowed; and in every ſuch Action the Proof ſhall lie on ſuch Perſon againſt whom the ſame was brought, unleſs the Fact on which ſuch Action is grounded be, the having polled more than once at the ſame Election.

V. Provided always, That every Action, Suit, Indictment, or Information given by this Act, ſhall be commenced within the Space of nine calendar Months, after the Fact, upon which the ſame is grounded, ſhall have been committed.

VI. Provided always, and be it enacted by the Authority aforeſaid, That this Act, or any thing therein contained (other than except ſuch Clauſes and Proviſions as are by this Act made for or concerning allowing Cheque Books, or for or concerning Notice to be given of the Time and Place of Election, and proceeding to Election thereupon) ſhall not extend, or be conſtrued to extend,

extend, to any City or Town, being a County of itſelf, or to any Perſon or Perſons, where the Right of voting for any Member or Members of any ſuch City or Town is, for or in reſpect of Burgage Tenure, or where the Right of voting for ſuch Member or Members, for or in reſpect of a Freehold, does not require the ſame to be of the yearly value of forty Shillings.

They who repreſent Cities are diſtinguiſhed by the Name of *Citizens*; and they who are the Repreſentatives of Borough-Towns, are choſen after divers Manners, according to Privileges granted them by Royal Charter, or claimed by Preſcription. But the moſt common Method is by a Majority of the Voices of the Freemen, or of the Corporation.

It appears upon Record that this Parliament originally was annual: But it is not certain how long this Cuſtom continued: for as it was in the Power of the Sovereign to call and diſſolve Parliaments at his own Pleaſure, ſome of our Kings ſummoned them only at ſuch Times, as they found it neceſſary to have the Sanction of Parliament, to burthen the People with Taxes, *&c.* and they ſuffered them to ſit no longer, than they and their Miniſters ſaw convenient. This Abuſe of Parliaments, at laſt ſtirred up ſuch a Spirit of Reſentment, that in 16 *Car.* I. the People obtained an Act for *triennial* Parliaments. But this was not made effectual till the 6th of *William* and *Mary*. Which eſtabliſhed *triennial* Parliaments, and by a Statute 1 *Geo.* I. the Continuance of Parliament was and is now *ſeven Years*, from the Day in which the Writ of Summons for them to meet is dated.

Place where they aſſemble.

The Houſe in which the Repreſentatives of the People aſſemble, in their Legiſlative Capacity, is called St. *Stephen*'s-*Chapel*, and adjoins to the South-Eaſt Angle of *Weſtminſter-Hall*. It was built by King *Stephen*, as Chapel to his Palace: which was rebuilt and made a Collegiate Church, by King *Edward* III. In which State it continued well endowed, 'till ſurrendered to King *Edward* VI. who appropriated the ſaid Collegiate Church, for the Reception of the Repreſentatives of the *Commons* of *England*: from which Time, it has been called *The Houſe of Commons*.

It is a very ſpacious Room: at the upper End is the Speaker's Chair raiſed. Before him is a Table, at which

which ſit the Clerk of Parliament and his Aſſiſtant; and both they, and the Speaker, wear Gowns like Counſellors in Term-Time. The four Repreſentatives for the City of *London*, on the firſt Day of Parliament appear in Scarlet Gowns, and ſit together at the Speaker's Right-hand. But the other Members neither wear Robes, nor have any particular Places aſſigned them; every one taking his Seat promiſcuouſly. And they ſit every Day to do Buſineſs, at twelve o'Clock, except *Sundays*, or ſome extraordinary Feſtival, or Faſt-Day.

This Houſe has an equal Share with the Lords in making Laws: none can be made without the Conſent of the Commons, who, in a ſpecial Manner, are the Guardians of the Liberties of the People: and they have Power, as the Grand Inqueſt of the Nation, to empeach the greateſt Lords in the Kingdom, both ſpiritual and temporal.

Proceedings of the Houſe of Commons.

After the Speaker and Members have taken the Oaths again in the Houſe, and ſubſcribed their Opinions againſt the Doctrines of Tranſubſtantiation, the Invocation and Adoration of Saints, and the Sacrifice of the Maſs, and abjured the *Pretender*, the ſtanding Orders of the Houſe are read, and grand Committees appointed to ſit on uſual Days: Such as the Committee for Privileges, Elections, Grievances, Trade and Religion.

Speaker's Duty.

'Tis the Speaker's Duty to ſee that the Orders of the Houſe be obſerved; to ſtate the Bills that are brought in; to collect the Subſtance of the Debates, and the Senſe of the Houſe upon them; and he is not allowed to vote, except the Houſe be equally divided: neither is he to perſuade or diſſuade in paſſing a Bill; but only to make a ſhort and plain Narrative.

The ſtanding Committees being ſettled, another Committee is appointed to draw up an Addreſs of Thanks to his Majeſty, for his moſt gracious Speech.

As the Deſign of Parliament is to keep up the Conſtitution, to ſupport the Honour of the Crown, and to maintain the Privileges of the People; to raiſe ſuch Subſidies or Aids, as Occaſion requires, to make neceſſary Laws, and to redreſs all public Grievances: ſo they immediately enter upon the national Buſineſs, either to make new Laws, or to abrogate old ones.

Any

Manner of bringing in a Bill.

Any Member is allowed to move for a Bill to be brought in. But he muſt, on that firſt Inſtance, open the Matter of it to the Houſe, and offer Reaſons for admitting thereof. If the Houſe approve of this Motion, a Bill is ordered to be prepared by the Member, that made the Motion, and ſome of thoſe, who ſeconded it. Who, having made it ready, bring it in, with Leave, and move to have it read.

The firſt reading of a Bill is by the Clerk at the Table: and then the Speaker puts the Queſtion, whether it ſhall have a ſecond reading. The ſecond reading being paſſed, the Queſtion is put, whether it ſhall be committed, either to a Committee of the whole Houſe, if the Bill be of Importance; or to a private Committee, then to be named, and to meet in the Speaker's Chamber, and to report their Opinion and Reſolutions to the Houſe. Which Committee chuſe their Chairman, who appoints a Clerk, and, reading the Bill Paragraph by Paragraph, he puts every Clauſe to the Queſtion, fills up the Blanks and makes the Amendments, according to the Opinion of the Majority of the Committee. The Bill, thus amended and altered, perhaps, is carried and reported by the Chairman to the whole Houſe; who having allowed the Bill ſo amended, to be engroſſed, or written fair on Parchment, it is read a third Time; and if then, upon the Queſtion put by the Speaker, the Bill doth paſs, the Clerk writes on the Bill *Soit baillè aux Seigneurs*, i. e. *Let it be carried up to the Lords.*

Riders.

Where note, that when an engroſſed Bill is read, and any Clauſes referred to be added to it, they muſt be on Parchment engroſſed like the Bill, which are then called *Riders:* and if agreed to, they are added to the Bill.

Sometimes Bills are moved for by Petition offered at the Bar of the Houſe, and brought up and preſented at the Table by the Member, that preſents it.

Forty Members are neceſſary to make a Houſe: and eight a Committee. And when the Members reſolve themſelves into a Committee of the whole Houſe; the Speaker's Mace is laid under the Table, and the Chairman of the Committee takes the Chair, where the Clerk of the Houſe uſually ſits.

How Votes are collected.

In voting, the Members of the Houſe of Commons vote by *Yeas* and *Noes:* but when it appears doubtful, which

which is the greateſt Number, the Houſe divides. If the Queſtion relates to any thing already in the Houſe, the *Noes* go out: but if it be to bring in a Bill, Petition, *&c.* the *Yeas* go out. In theſe Caſes the Speaker appoints four Tellers, two of each Opinion; who, after they have told thoſe *within*, place themſelves in the Paſſage between the Bar and the Door, and tell the others, who went *out*. Then the Tellers, who have the Majority, take the Right-hand, and placing themſelves within the Bar, all four advance, bowing three times, then deliver the Numbers at the Table, ſaying, the *Yeas* are ſo many, and the *Noes* are ſo many. Which being repeated by the Speaker, he then declares the Majority.

When there happens a Diviſion in a Committee of the whole Houſe, the Members divide only by changing Sides, the *Yeas* taking the right Hand of the Chair, and the *Noes* the left. In which Caſe there are no more than two Tellers.

When a Conference with the Lords is neceſſary.

If the Lords demur upon a Bill ſent up from the Commons; a Conference is demanded with the Lords in the *Painted Chamber*; where certain Members, deputed from each Houſe meet. The Lords ſit at Table covered, but the Commons ſtand uncovered. If they diſagree, the Affair is dropped: but if they come to an Agreement, the Bill paſſes the Houſe of Lords, and comes with other Bills, that have paſſed both Houſes, to receive the Royal Aſſent.

Money-Bills.

Money Bills always begin in the Houſe of Commons; becauſe the greateſt Supplies are raiſed by the People; therefore the Commons will not allow the Lords to alter them.

General Pardon.

A Bill for a general Pardon has alſo this Peculiarity in it. It has but one reading in each Houſe; becauſe they muſt take it as the King will pleaſe to give it.

Order of ſpeaking.

In regard to the Order of the Houſe, it is to be obſerved, That whoever ſpeaks to a Bill, or to make a Motion, or a Reply, muſt ſtand up and be uncovered, directing his Speech to the Speaker. But if two riſe up at the ſame Time and ſpeak, the Speaker is to determine, which of the two ſhall give way to the other. Whoever is ſpeaking muſt be heard out without any Interruption, except in ſome Caſes, when the Speaker has a Right to interpoſe, if he deviates from the Matter in Hand, *&c.*

And

And if any thing be done contrary to the Orders of the Houſe, and the Speaker does not call to order, any one may riſe up and ſpeak to it even in the midſt of a Debate. But whoever riſes up to ſpeak to the Orders of the Houſe, muſt keep within that Line; for if he falls from the Matter in Debate, he ought to be taken down by the Speaker, or by any other Member of the Houſe calling to the Orders. If he be anſwered by another, he is not allowed to reply the ſame Day, unleſs perſonally reflected on, or the Bill be read a ſecond Time: For no Body is to ſpeak to a Bill above once in a Day, unleſs the whole Houſe be turned into a Committee, and then every Member may reply as often as the Chairman ſhall think proper. But if a Bill be rejected, it cannot be any more propoſed, during the ſame Seſſions.

No Member in ſpeaking or debating ought to mention the Name of any other then preſent; but to deſcribe him by his Title or Addition, as, *That noble Lord*, *That worthy Knight* or *Gentleman:* or by his Office, as *Mr. Attorney-General*, *Gentleman of the Long Robe*, &c. Or by his Place or Seat, as, *That Gentleman near the Chair*, or, *on the other Side*, or, *that Gentleman that ſpoke laſt*, &c. Much leſs ought there to be uſed any reviling or reflecting Expreſſions. Such Language is liable to the Cenſure of the Houſe. And ſhould there be thrown out any offenſive Words againſt the Sovereign, the Houſe, or the Conſtitution, the Member is called to the Bar, and there reprimanded on his Knees by the Speaker, or if the Offence be great, he may be ſent to the *Tower*.

Bill ſent up to the Lords.

When a Bill is ſent up to the Lords, the Meſſengers carry it with great Reſpect to the Bar of the Houſe of Peers, who riſe from their Places, and come down to meet them: and the Title of the Bill being read by the chief Meſſenger, it is humbly delivered to the Speaker of the Houſe of Lords. But when a Bill is ſent by the Lords to the Commons, they ſend none of their Members; but only ſome of the Maſters in Chancery, or another Perſon whoſe Place is on the Wool-packs; and who, coming up to the Speaker, and bowing thrice, reads the Title, deſires it may be taken into Conſideration, and delivers it to the Speaker. But in Meſſages of great Importance, the Lords ſend one or two of the Judges to the Houſe of Commons.

When

When there is a *Call* of the Houſe, every Member preſent uncovers his Head, and ſtands up when he is called. Excuſes then made for the abſent Members are admitted: but where there is no Excuſe, the abſent Member is entered *deficit*, and may be ſent for by the Serjeant at Arms; except any one be abſent in the Country with Leave, which is never denied. Call of the Houſe.

When a Seat in this Houſe becomes vacant by the Death, or Promotion of a Member, the Speaker, by Order of the Houſe, iſſues his Warrant to the Clerk of Crown for making a new Writ, directed to the Sheriff of the County or chief Magiſtrate of the Place, repreſented by the Perſon deceaſed or promoted, in order for the Electors to proceed to the Election of a new Repreſentative. Writs for Elections.

A Member of Parliament is intitled to ſeveral Privileges more than another Subject. He has Privilege for his Servants, Horſes and other Goods and Chattles. In his own Perſon, he is privileged from Suits, Arreſts, Impriſonment, Attendance on Trials, *&c.* ſerving on Juries, and the like; alſo from being ſummoned or called to attend upon any Suit in other Courts by Subpœna or Citation ſerved on them; except in Caſes of Treaſon, Felony, Breach of the Peace or Out-lawry. And theſe Privileges extend to their menial Servants; and to the Officers attending the Houſe during the ſitting of Parliament, except in Actions for a Debt or Duty due to the Crown, which is not to be *impeached*, *ſtayed* or *delayed* under the Colour or Pretence of Privilege of Parliament. Privileges of Parliament.

As we are on the Subject of Parliaments, we will here ſet forth an Act of great Conſequence to the Subject, which gives a Right to every one aggrieved by, or having any juſt Demands againſt privileged Perſons, at certain Times to proceed at Law, in Equity, or in the Eccleſiaſtical Courts againſt all Lords and Members of Parliament, and all others intitled to its Privilege, *viz.* the 11 *Geo.* II. c. 24. wherein it is declared, "That "for the preventing all Delays, the King or his Subjects "may receive in any of his Courts of Law or Equity, "and for their Eaſe in the Recovery of their Rights and "and Titles to any Lands, Tenements, or Hereditaments, "and their Debts, or other Dues, for which they have

"Cauſe

" Cauſe of Suit, or Action, an Act was made in the " 12th and 13th Year of the Reign of King *William* III. " intituled, *An Act for preventing any Inconveniencies that* " *may happen by Privilege of Parliament.* Whereby ne- " verthelefs the Privilege of Parliaments is reſtrained " only in Actions, or Suits commenced or proſecuted in " the Courts, and for the Cauſes, therein particularly " mentioned: and whereas great Inconveniencies may " happen to his Majeſty, and his Subjects, with reſpect " to their Rights and Titles of Lands, Tenements, or " Hereditaments, and their Debts, or other Dues, for " which they have Cauſe of Suit or Action, if the Pri- " vilege or Parliament be not reſtrained upon Actions " or Suits commenced or proſecuted in other Courts " within *Great Britain* and *Ireland*;" For Remedy thereof, be it enacted, That any Perſon and Perſons ſhall and may commence and proſecute in *Great Britain* or *Ireland*, any Action or Suit in any Court of Record, or Court of Equity, or of Admiralty, and in all Cauſes matrimonial and teſtamentary, in any Court having Cognizance of Cauſes matrimonial and teſtamentary, againſt any Peer or Lord of Parliament of *Great Britain*, or againſt any of the Knights, Citizens and Burgeſſes of the Houſe of Commons of *Great Britain* for the Time being, or againſt their or any of their menial or other Servants, or any other Perſon intitled to the Privilege of the Parliament of *Great Britain*, at any Time from and immediately after the Diſſolution or Prorogation of any Parliament, until a new Parliament ſhall meet or the ſame be re-aſſembled, and from and immediately after any Adjournment of both Houſes of Parliament for above the Space of fourteen Days, until both Houſes ſhall meet or re-aſſemble; and that the ſaid reſpective Courts ſhall and may after ſuch Diſſolution, Prorogation, or Adjournment, as aforeſaid, proceed to give Judgment, and to make final Orders, Decrees, and Sentences, and award Execution thereupon; any Privilege of Parliament to the contrary nothwithſtanding.

2. Provided nevertheleſs, That this Act ſhall not extend to ſubject the Perſon of any Knights, Citizens, and Burgeſſes of the Houſe of Commons of *Great Britain*, or any other Perſon intitled to Privilege of Parliament, to be arreſted during the Time of Privilege; nevertheleſs

leſs it ſhall and may be lawful to and for any of the Courts of Great Seſſions in *Wales*, Courts of Seſſions in the Counties Palatine of *Cheſter*, *Lancaſter*, and *Durham*, Courts of *King*'s-*Bench*, *Common-Pleas*, and *Exchequer* in *Ireland*, after any Diſſolution, Prorogation, or ſuch Adjournment as aforeſaid, or before any Seſſion of Parliament, or Meeting of both Houſes, as aforeſaid, to have and uſe ſuch and the like Methods of proceeding, and to iſſue ſuch and the like Proceſs againſt any ſuch Peer or Lord of Parliament; or againſt any of the ſaid Knights, Citizens, and Burgeſſes, or other Perſons intitled to the Privilege of the Parliament of *Great Britain*, as the Courts of *King*'s-*Bench*, *Common-Pleas*, and *Exchequer* in *England*, are by the ſaid recited Act impowered and directed to uſe and iſſue reſpectively; and that it ſhall and may be lawful to and for the Court of *Chancery* of *Ireland*, and the Court Equity in the Exchequer there, to have and uſe ſuch and the like Methods of Proceeding, and to iſſue ſuch and the like Proceſs within the Times and againſt the Perſons aforeſaid, as the High Court of *Chancery* of *Great Britain*, and the Court of Exchequer in *England*, are, by the ſaid recited Act, reſpectively directed and impowered to uſe and iſſue; and that it ſhall and may be lawful to and for any of the other Courts herein before deſcribed, the Proceſs whereof is not particularly directed by the ſaid recited Act, or by this Act, after any Diſſolution, Prorogation, or ſuch Adjournment as aforeſaid, or before any Seſſion of Parliament, or Meeting of both Houſes as aforeſaid, to iſſue ſuch and the like Proceſs againſt any ſuch Peer or Lord of Parliament, or againſt any of the ſaid Knights, Citizens, or Burgeſſes, or other Perſon intitled to the Privilege of Parliament, as ſuch Courts may now lawfully iſſue againſt Perſons not liable to be arreſted or impriſoned.

3. And be it enacted by the Authority aforeſaid, That where any Plaintiff ſhall, by reaſon or occaſion of Privilege of Parliament, be ſtayed or prevented from proſecuting any Suit by him commenced; ſuch Plaintiff ſhall not be barred by any Statute of Limitation, or nonſuited, diſmiſſed, nor his Suit diſcontinued for want of Proſecution of the Suit by him begun; but ſhall from Time to Time upon the riſing of the Parlia-

ment be at Liberty to proceed to Judgment and Execution.

4. And it is hereby enacted, That no Action, Suit, Proceſs, Order, Judgment, Decree, or Proceeding in Law or Equity againſt the King's original and immediate Debtor, for the Recovery or obtaining of any Debt or Duty originally and immediately due or payable unto his Majeſty, his Heirs or Succeſſors, or againſt any Accountant, or Perſon anſwerable or liable to render any Account unto his Majeſty, his Heirs or Succeſſors, for any Part or Branch of any of his or their Revenues, or other original and immediate Debt or Duty, or the Execution of any ſuch Proceſs, Order, Judgment, Decrees or Proceedings, ſhall be impeached, ſtayed, or delayed in any Court in *Great Britain* or *Ireland*, by or under the Colour or Pretence of any Privilege of the Parliament of *Great Britain*; yet ſo, nevertheleſs, that the Perſon of any ſuch Debtor or Accountant, or Perſon anſwerable or liable to account, being a Peer or Lord of Parliament of *Great Britain*, ſhall not be liable to be arreſted or impriſoned by or upon any ſuch Suit, Order, Judgment, Decree, Proceſs or Proceedings, or being a Member of the Houſe of Commons of *Great Britain*, ſhall not, during the Continuance of the Privilege of Parliament, be arreſted or impriſonment by or upon any ſuch Order, Judgment, Decree, Proceſs or Proceedings.

5. Provided nevertheleſs, That neither this Act, nor any Thing therein contained, ſhall extend to give any Juriſdiction, Power, or Authority to any Court, to hold Plea in any real or mixed Action, in any other Manner than ſuch Court might have done before the making this Act.

2 & 3 Ann. cap. 18.

And by another Act 2 & 3 *Ann.* cap. 18. for the further Explanation and Regulation of Privilege of Parliament, in relation to Perſons in publick Offices, it is further declared, Whereas it is moſt juſt and reaſonable, that Perſons employed in Offices and Places of public Truſt, ſhould at all Times be accountable for any Miſdemeanors therein, and the public Juſtice of the Realm requireth a vigorous Proſecution of ſuch Offenders: To the end therefore that your Majeſty's good Subjects may not lie under any Doubts or Diſcouragements, whereby ſuch Proſecu-

Proſecutions might be prevented or delayed; may it pleaſe your moſt excellent Majeſty, that it may be enacted, and be it enacted by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords ſpiritual and temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That any Action or Suit ſhall and may be commenced and proſecuted in any of her Majeſty's Courts at *Weſtminſter*, againſt any Officer or Perſon intruſted or employed in the Revenue of her Majeſty, her Heirs, and Succeſſors, or any Part or Branch thereof, or any other Office or Place of publick Truſt, for any Forfeiture, Miſdemeanor, or Breach of Truſt, of, in, or relating to ſuch Office or Place of Truſt, or any Penalty impoſed by Law to enforce the due Execution thereof; and that no ſuch Action, Suit, or any other Proceſs, Proceeding, Judgment, or Execution thereupon, although ſuch Officer or Perſon ſhall be a Peer of this Realm, or Lord of Parliament, or one of the Knights, Citizens, or Burgeſſes, of the Houſe of Commons, or otherwiſe intitled to the Privilege of Parliament, ſhall be impeached, ſtayed or delayed by or under Colour or Pretence of any Privilege of Parliament.

2. Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That nothing in this Act ſhall extend to ſubject the Perſon of ſuch Officer, being a Peer of this Realm, or Lord of Parliament, to be arreſted or impriſoned; but that all Proceſs ſhall iſſue againſt ſuch Officer or Perſon, being a Peer of this Realm, or Lord of Parliament, as ſhould have iſſued againſt him out of the Time of Privilege: Nor ſhall extend to ſubject the Perſon of ſuch Officer, being a Knight, Citizen, or Burgeſs of the Houſe of Commons, to be arreſted or impriſoned, during the Time of Privilege of Parliament; and that againſt ſuch Office or other Perſon, being a Knight, Citizen, or Burgeſs of the Houſe of Commons, entitled to Privilege, ſhall be iſſued Summons and Diſtreſs infinite, or original Bill, Summons, Attachment and Diſtreſs infinite, which the ſaid reſpective Courts are hereby impowered to iſſue in ſuch Caſe, until the Party ſhall appear upon ſuch Proceſs according to the Courſe of ſuch reſpective Court.

The Reſpect due to the Houſe of Commons.

Whoever dares to ſpeak or write diſreſpectively of the Houſe of Commons, when ſitting; or abuſe or miſuſe any Member thereof, is liable upon Complaint, to anſwer the ſame to the Houſe, and be committed to the Cuſtody of the Serjeant at Arms; and ſent to *Newgate*, there to continue till the Houſe be prorogued.

Manner of impeaching.

The Houſe of Commons is accounted to be the Grand Inqueſt of the Realm, ſummoned from all Parts to preſent public Grievances to be redreſſed, and public Delinquents, that deſerve Puniſhment. In which Caſe the Commons impeach, and the Lords are the Judges. The Commons inform, preſent and manage the Evidence; and the Lords, when the Trial is over, give Judgment upon it. And this Privilege extends ſo far, that though the Houſe of Commons may impeach any Lord of Parliament, either ſpiritual or temporal; the Houſe of Lords cannot proceed againſt a Commoner, except upon a Complaint of the Commons.

Of the HOUSE OF LORDS.

Place of aſſembling.

The *Houſe of Lords*, or the Place in which the Peers of the Realm aſſemble in their juridical Capacity, and in Conjunction with the King and the Houſe of Commons, to make and repeal Laws; and who, by themſelves, conſtitute the ſupreme Judicature of the Kingdom, meet, when ſummoned by the King's Writ, and ſit for Buſineſs, in a ſpacious Room, near the *Painted Chamber*, at the South-Weſt Corner of the *Court of Requeſts* in *Weſtminſter-Hall*.

This chief Seat of Judicature is not only ſpacious, but lofty and very well diſpoſed for the Uſes to which it is put, and hung with a beautiful Tapeſtry, repreſenting the Defeat of what the Spaniards were preſumptuous enough to call their *invincible Armada*, fitted out with a large Army on board, and under the Pope's Banner and Bleſſing, to make a Conqueſt of *England* (in 1588) and to extirpate the *Proteſtant* Religion. A Furniture well adapted to the Place; by which this Part of the Legiſlature are continually put in mind of the Importance of our Navy; on which our national Strength principally depends.

A Throne adorns the upper End of the Houſe, on which the Sovereign, on ſolemn Occaſions, is ſeated with the Crown on his Head, and robed with all the Enſigns of Majeſty. On the Right-hand is a Seat for the Prince of *Wales*; and on the Left another for the next Perſon of the Royal Family. And behind the Throne are Places for the young Peers, who have no Votes in the Houſe.

Seats.

The two Archbiſhops take their Seats a little below the Throne, on the Right-hand of his Majeſty: And the Bench of Biſhops is placed a little below them. On the oppoſite Side of the Houſe ſit thoſe Peers, who rank above Barons: The Preſident of the King's Council, and the Lord Privy Seal, if they are Barons, here ſit above all Dukes, Marquiſſes and Earls: and the Marſhal, Lord Steward and Lord Chamberlain take Place of all the Nobility, of the ſame Degree with themſelves. The Dignitaries of the Law ſit on Woolpacks placed acroſs the Houſe juſt before the Throne. The Lord High Chancellor or Keeper of the Great Seal ſits on that Pack neareſt the Throne, with his Great Seal and Mace by him, and is, by his Office, Speaker of the Houſe of Lords. On the other Woolpacks, which are placed parallel to this, are ſeated the Chief Juſtices, the other Judges and the Maſter of the Rolls, not as Peers, with a Right to vote, but as learned in the Law, to be adviſed with on particular Occaſions, where the Knowledge of the Laws ſhall be found neceſſary.

Officers.

There is a Bench behind the Table for the Clerk of the Crown, who is concerned in all Writs of Parliament, and for the Clerk of Parliament, who records every thing done in the Houſe. The Gentleman-Uſher, called the Black-Rod, becauſe he carries a Black-Wand in his Hand, ſits without the Bar. The Yeoman Uſher ſits under him, and waits at the Inſide of the Door. A Cryer ſtands at the Outſide: And a Serjeant at Mace always attends the Lord Chancellor.

King in the Houſe.

The Sovereign being preſent with the Crown on his Head, the Lords ſit uncovered, and the Judges ſtand, 'till his Majeſty gives them Leave to ſit down. And in the King's Abſence, the Lords, as they enter the Houſe, do Reverence to the Throne. Neither do the Judges ever cover, 'till the Lord Chancellor or Keeper ſignifies

to them, that the Lords give them Leave ſo to be. But the King's Council and Maſters in Chancery are never covered; though they may ſit down.

The King coming to the Houſe of Lords, robes himſelf with the Enſigns of Majeſty in the Prince's Chamber, is conducted thence to the Throne by the Lord Chamberlain, and is received by the Lords in their proper Robes; and being ſeated on the Throne, ſends for the Commons by the Gentleman-Uſher of the Black-Rod; who, coming to the Bar of the Houſe, bows, and advancing a few Steps, repeats this Mark of Reſpect a ſecond, and a third Time, ſaying, "Gentlemen of the "Houſe of Commons, the King commands this honour-"able Houſe to attend him immediately in the Houſe "of Peers." And then bowing, and retiring backwards, he withdraws. The Commons in Obedience to this Command, proceed to the Houſe of Lords. At whoſe Appearance, without the Bar, the King, or Lord Chancellor in his Name, makes a Speech to this grand united Aſſembly.

The Conſtitution of the Houſe of Lords.

The Houſe of Lords is generally looked upon to be conſtituted for the Support of the Rights of the Crown, and to guard againſt any Exceſs in the Commons, who have ſometimes been too laviſh in their Conceſſions to the Court. Therefore King *Charles* I. how miſtaken ſoever he might be in other Things, was very juſt in this Remark, "That the Houſe of Peers is an excel-"lent Skreen between the Prince and the People, to "aſſiſt each againſt any Encroachments of the other." For as the Preſervation of the legal Prerogative is not only the moſt ſure way to ſecure their own Privileges, but abſolutely neceſſary for the happy and rightful Adminiſtration of Government; it is not the Lords Intereſt any way to contribute to the Diminution of the Rights of the Crown, or to ſuffer it in others.

Its Buſineſs.

The Buſineſs of this Houſe is, in Conjunction with the King and Commons, to make and to repeal Laws; to take Cognizance of Treaſons and high Crimes committed by the Peers and others; to try all who are impeached by the Commons; in which Caſes they acquit or condemn without taking an Oath, by only laying their Right-hand upon their Breaſts, and ſaying, *Guilty*, or *not Guilty*, *upon my Honour*: and the Lords in Parliament receive

receive Appeals from all other Courts, by Writ of Error, and ſometimes reverſe Decrees in Chancery. From the Houſe of Lords there lies no Appeal.

Committees.

On the firſt Day of Parliament the Lords chuſe a Committee of four Judges, and two Civilians to receive Petitions; and ſix Lords temporal and two Biſhops, to be Triers of the ſaid Petitions, who together, or four of the Prelates and Lords, calling to them the King's learned Counſel, Attendants in Parliament, when need requires, ſit in the Chamber of the Treaſury to try whether the Petitions be reaſonable and good, and neceſſary to be laid before the Houſe of Lords.

Obliged to take the Oaths.

No Peer ſhall vote, make Proxy, or ſit during any Debate in the Houſe of Peers, 'till he has taken the proper Oaths appointed by Law. And every Peer, preſuming to ſit in the Houſe of Lords without taking the ſaid Oaths, ſhall be diſabled to ſit there during that Parliament, or to make any Proxy. This is the Reaſon why the *Roman Catholic* Peers are diſabled to ſit in this Houſe, and to make Proxies.

Manner of paſſing a Bill.

When a Bill is read in the Houſe of Lords, the Lords Chancellor opens the Parts of it, ſo that each Member may underſtand the Intention of every Clauſe of the Bill. And when the Queſtion is put about ingroſſing a Bill, the Lords anſwer *Content*, when for ingroſſing; and *Not Content*, when againſt the Bill. No Bill is read above three times in this Houſe: and no Lord ought to ſpeak to a Bill twice in one Day, unleſs ſometimes by way of Explication; and every Lord muſt ſpeak without Exception or Difference of Perſons.

Proxies.

The Lords of Parliament have this ſingular Privilege, that both the Spiritual and Temporal may appoint *Proxies* to vote in their ſtead, when their own perſonal Attendance is prevented by Sickneſs, or any juſt Cauſe warranted by the King's Licence. And the Method of voting in this Houſe is quite different from that in the Houſe of Commons. For, here beginning with the loweſt Baron, and proceeding in a regular Series, by putting the Queſtion, they each of them anſwer apart, *Content*, or *Not Content*. And if the Affirmatives and Negatives happen to be equal, it paſſes in the Negative, the Speaker not being allowed a Voice, unleſs he be a Peer of the Realm.

In regard to the Votes given by Proxies: Firſt the Lord intruſted with Proxies, gives his own Vote; then ſeverally for as many Lords as he hath Letters and Proxies. But if after ſuch Proxy made, ſuch Lord who conſtituted a Proxy, comes into the Houſe of Peers and ſits there, that is a Revocation of his Proxy in Law, whether he debate, conſent, or ſpeak any Thing or no.

When a Bill has paſſed this Houſe, the Clerk underwrites it *Soit Baile aux Commons*, i. e. Let it be carried to the Commons.

How Meſſages from the Commons are received.

When any Bills or Meſſages are brought from the Houſe of Commons to be preſented to the Houſe of Lords, the Lord High Chancellor, and the Reſt of the Lords, riſe from their Places, and go down to the Bar, there to meet ſuch as come from the Commons, and in that Place receive the Bills or Meſſages. But when any Anſwer is to be delivered by the Lord High Chancellor, or Lord Keeper in the Name and Behalf of the Houſe of Lords, to ſuch Knights and Burgeſſes, as come from the Commons, then the ſaid Knights and Burgeſſes are to receive the ſame, ſtanding towards the lower End of the Houſe; and the Lord-Keeper is to deliver the ſame with his Head covered, and all the Lords are to keep their Places.

Who have a Right to ſit in this Houſe.

This Houſe of Parliament does not conſiſt of any certain Number of Members. Neither are they elective: But ſome take their Seats by Deſcent, as ancient Noblemen: ſome by Creation, as Nobles newly created by the King's Patent or Prerogative, and ſome by Succeſſion, as Biſhops. By which Means much Time and Trouble is ſaved, to which the Houſe of Commons are ſubject by litigated returns of their Members. *

At all Times the Sovereign viſits his Parliament, he goes to the Houſe of Lords, Cloaths himſelf with Majeſty, as at the opening of the Seſſion, and ſends for the Commons by the Uſher of the Black-Rod. And when the Bills have paſſed both Houſes, and lie ready for his Royal Aſſent, his Majeſty ſits there in his Royal Robes, and the Peers in their Parliamentary Robes alſo.

Manner of ſigning Bills.

The Speaker of the Houſe of Commons, attended by all the Commons, come up to the Bar of the Houſe of

* See the Liſt of the Peerage on Page 189, &c.

Lords,

Lords, and there acquaints the King with the Purport of the Bills. Then the Clerk of the Crown reads the Title of each Bill in their proper Order. And after the Title of each Bill is ſeverally read, the Clerk of the Parliament pronounceth and declareth the Royal Aſſent, according to certain Inſtructions given to him by his Majeſty, in that Behalf. To a public Bill, if it paſſeth, the Anſwer is *Le Roy le veult*, i. e. The King willeth it to be ſo. But if it muſt not paſs, the Anſwer is, *Le Roy ſe aviſera*, i. e. *The King will conſider of it.* To a private Bill the Anſwer is, *Soit faite comme il eſt deſire*, i. e. *Let it be done as it is deſired.* And the ſame Anſwer is given to a petitionary Bill. To a Money Bill the Anſwer is, *Le Roy remercie les Loyaux ſujets accepte leur Benevolence, et auſi ſe veult*, i. e. *The King heartily thanks his Loyal Subjects, accepts their Benevolence, and therefore granteth his Conſent.* To all Bills of general Pardon, the Anſwer is, *Les Prelats, Seigneurs, & Communes en ce Parlement aſſemblez, au nom du tous vos autre Sujets, remercient tres humblement vôtre Majeſté, & prient Dieu vous donnner en ſanté, bonne vie & longue:* i. e. *The Biſhops, Lords and Commons in this Parliament aſſembled, in the Name of all your other Subjects, moſt humbly thank your Majeſty, and beſeech God to grant you a healthful, happy, and long Life.*

The King may, by Commiſſion, granted to ſome of his Nobles, give his Royal Aſſent to any Bill; and alſo prorogue or diſſolve the Parliament; which can ſit no longer in either Houſe, than the King ſhall think proper. By Commiſſion.

The Parliament was formerly diſſolved at the Death of the King: but as this Practice or Cuſtom was attended with ſeveral great Inconveniencies to the Nation, it is now provided by a ſolemn Act, "That a Parliament "ſitting, or in Being at the King's Demiſe, ſhall continue; and if not ſitting, ſhall meet expreſly for keeping the Peace of the Realm, and preſerving the Succeſſion. Parliament not diſſolved by the Death of a King.

Of the CONVOCATION.

This is a Sort of *eccleſiaſtical Parliament*, in which the *Clergy* of *England* are repreſented in a more ſpecial Manner Uſe.

ner by their Biſhops, and Proctors of their own chuſing, to conſult only of eccleſiaſtical Affairs.

Place of aſſembling. This Aſſembly of the Clergy (which meets in *Henry* VIIth's Chapel, in *Weſtminſter-Abbey*) conſiſts of two Houſes, diſtinguiſhed by the Name of the *upper* and the *lower Houſe of Convocation*: in ſome Manner reſembling the Houſe of Lords and the Houſe of Commons. For, tho' the Biſhops in Right of their *Baronies*, which they hold of the Crown, are ſummoned to Parliament by the King's Writ, and ſit in the Houſe of Lords by the Name and Stile of the *Lords Spiritual*, they in Convocation conſtitute and ſit in the *upper Houſe*, which conſiſts of twenty-two Biſhops in the Province of *Canterbury*, in which the Archbiſhop preſides. The *Lower Houſe* is compoſed of the Proctors or Repreſentatives of the inferior Clergy, two for each Dioceſe, and of all Arch-deacons, and Deans; in all one hundred and forty-three Divines, *viz.* twenty-two Deans, fifty-three Archdeacons, twenty-four Prebendaries, and forty-four Proctors of the Dioceſan Clergy.

Upper Houſe.

Lower Houſe.

The Province of *York* aſſemble under their own Archbiſhop, in the ſame Form, at *York*. In both Provinces the lower Houſe chuſes its *Prolocutor*, or Speaker, and preſents him to the Archbiſhop and Biſhops of the upper Houſe. His Buſineſs is to take Care that the Members attend, to collect their Debates and Votes, and to carry their Reſolutions to the upper Houſe.

Prolocutor.

How ſummoned. The lower Houſe of Convocation was formerly called together by two diſtinct Writs. The firſt was the *Parliamentary*, or *King's-Writ* to the Biſhops of every Dioceſe, ſummoning them to Parliament, with a Clauſe in it, requiring each Chapter to ſend one of their Body, and the Clergy of each Dioceſe two Proctors, to repreſent them in Parliament: whence ſome have been of Opinion, that the Clergy ſat, together with the Laity, in Parliament, 'till the Reign of *Henry* VIII. when they fell under a *Præmunire*, by ſubmitting to Cardinal *Wolſey*'s legatine Power, and forfeited their Seats there.

The ſecond Writ, by which the Clergy were aſſembled together, was called the *Provincial Writ*. By the firſt Writ, they were a meer State Convention, and not a Church Synod; and the Intent of their meeting was, to conſult about their Civil Rights, and to grant a Portion of

of their Eſtates towards the Support of the Government. But, the Clergy not looking upon themſelves as obliged to obey this Lay-ſummons, Archbiſhop *Winchelſea* prevailed with King *Edward* II. to diſcharge them from it: and from that Time, when the King iſſued his Parliamentary Writ to the Biſhops, he ſent another to the Archbiſhop, to ſummon all his provincial Biſhops to the Convocation. This ſecond Writ was to ſecure their Obedience to the former, and to make the Aſſembly more canonical, as meeting by virtue of a Summons from their Archbiſhop. This Writ is now ordered by the Lord Chancellor, and tranſmitted by him to the Archbiſhop of *Canterbury*, who iſſues thereupon his Mandate to the Biſhop of *London*, as Dean of his Province.

The Clergy, aſſembled in Convocation, had the Power of giving away their own Money, and taxing themſelves; a Power, which they continued to exerciſe from the Reformation till the 15th Year of *Charles* II. from which Time they receded from that cuſtomary Right, and were for that Reaſon diſcharged from two of the four Subſidies given by themſelves, and then in arrear: and it was for this Reaſon, that from the Time before-mentioned the Rectors and Vicars, who were to be taxed for their ſpiritual Preferments, were allowed to vote in Elections for Knights of the Shire, that they might ſtill be virtually taxed by themſelves. Power.

The Power of the Convocation is limitted by a Statute 25 *Hen.* VIII. c. 19. They are not to make any Canons, or eccleſiaſtical Laws, without the King's Licence, nor, when permitted to make any, can they put them in Execution, but under theſe Reſtrictions.

1. Such Canons muſt not be contrary to the King's Prerogative.

2. They muſt not contradict any Statute, or the common Law.

3. Nor muſt they alter any known Cuſtom of the Realm.

They have the examining and cenſuring all heretical and ſchiſmatical Books and Perſons, *&c.* but there lies an Appeal to the King in Chancery, or to his Delegates.

The Clergy in Convocation, and their Servants, have the ſame Privileges as Members of Parliament. Privileges.

Of

Of the KING.

The third Branch of the *Legiſlative Power* is to be looked for in the KING. The Commons are the Guardians of our Liberty and Property: the Lords are the Balance of Power between the King and People; the King is inveſted with the Executive Power, as well as with a Share of the Legiſlature: and they are all three a Check upon each other, to prevent any Encroachments upon, or Detriment to, the Conſtitution of the Nation.

In this View the Government of *England* is accounted the beſt in the World. For, whilſt the King and Parliament have acted within their reſpective Spheres, and not invaded the Rights, Privileges, and Prerogatives of each other, they have always cemented that Union, which it is not poſſible to break, and will always, under God, be the ſureſt Means to preſerve Peace and happineſs within the Nation, and to defeat the moſt crafty and powerful Efforts of foreign Enemies. See Page 58.

We are to conſider the King of *England* in his legiſlative and executive Capacity.

King in his Legiſlative Capacity.

As a *Legiſlator*, the King of *England* is intruſted only with one Branch of the Legiſlative Power. In this Capacity his Majeſty can increaſe the Peerage in the Houſe of Lords, and grant new Privileges to Towns or Counties for ſending Repreſentatives to the Houſe of Commons. He alone has the Power to ſummon both Houſes of Parliament, and the Convocation to ſit and to do Buſineſs: and without his Royal Aſſent none of their Bills can paſs into a Law, to bind the Subjects. He alſo has a Right to prorogue, and a Right to diſſolve the Parliament. And the King of *England* is ſupreme Head over all Perſons, and in all Cauſes both eccleſiaſtical and civil: conſequently he has no Peer within his own Dominions. Therefore it is declared by the 12 *Car.* II. c. 30. "That "by the undoubted and fundamental Laws of the King- "dom, neither the Peers of this Realm, nor the Com- "mons, nor both together in Parliament, nor the People "collectively, nor repreſentatively, nor any other Per- "ſons whatſoever, ever had, hath, or ought to have "any coercive Power over the Perſon of the Kings of "*England*." And by 13 *Car.* II. c. 1. It is further declared

clared, "That there can be no legiſlative Power in "either or both Houſes of Parliament without the King." Therefore, here lies the Check in our Conſtitution, as the King cannot make a Law without the Concurrence of the two Houſes of Parliament; neither can they compel the King to concur with the Votes of their Houſes, any further than he ſees them conformable to the Laws of God and Nature, agreeable with his own ſacred Rights and Prerogatives, as a Sovereign, and tending to the Good and Welfare of his faithful and loving Subjects. He has a Right to Tribute for the Support of his Crown and Dignity; for maintaining the Government and State of the Nation; and for preſerving his Subjects from their Enemies. And he is the Fountain of Honour.

Executive Capacity.

In his *executive* Capacity; we ſee the King intruſted with the Execution of all Laws, the Management of the whole State and Government of the Common-wealth, with the ſole Power of the Army and Navy; with Peace and War; with the national Treaſure; and the Power of rewarding and puniſhing; with the ſole Appointment of Miniſters of State, Ambaſſadors, *&c.* to foreign Courts, Governors, Biſhops in the Church, Dignitaries in the Law, Officers in the Army, Navy, and in the ſeveral Branches of the Revenue; with Power of Life and Death; to make Magiſtrates; to coin Money; and to put a final Determination to all Cauſes whatſoever, ſo as to ſuffer no Appeal from his Sentence. So that however a King of *England* may be limitted in his legiſlative Character, there is nothing, but what he may do for the Good of his Subjects, in a right Execution of the Laws, and by an upright Adminiſtration.

His Coronation.

The King of *England*, at his Coronation, is *anointed* with Oil, to intimate that his Perſon is ſet apart to govern with Wiſdom and Juſtice; and that he is ſacred from all Violence and Treaſon. And at the ſame Time he is cloathed with a *Dalmatica*, and other ſacerdotal Robes, to put him in mind, that he is to govern the Church of *England*, as well as the State.

Care for the King's Perſon.

The Laws are ſo careful of the King's Perſon, That it is made *High Treaſon* even to imagine or intend his Majeſty's Death, proved by any Overt-act. And though a Lunatic, Idiot, or one *non compos mentis*, cannot be guilty of Felony, or any Treaſon by Law; yet if ſuch

ſuch a one kill, or go about to kill the King, he ſhall ſuffer as a Traytor.

Right of Succeſſion.

This Kingdom has always been deemed *hereditary*; and the Crown claimed by the next Heir to the Sovereign deceaſed. But that Succeſſion has been frequently interrupted by different Claimants, who made good their Pretenſions by Force of Arms, when hereditary Right was againſt them; as may be ſeen at large in the Hiſtory of the firſt Ages of the *Engliſh* Monarchy: And ſometimes the People have excluded the next Heir, and even dethroned their King, and called in another Branch of his Family to rule over them, when they have found it adviſeable and neceſſary to preſerve the national Conſtitutution in Church and State from arbitrary Power and Idolatry.

Excluſion of the Popiſh Line.

The Excluſion of the late King *James* II. and his Family, is an Example of this Kind. His Attempt to enſlave the Nation, and to introduce Popery, provoked his Subjects to confederate againſt him, and to exclude him and all his *Popiſh* Iſſue and Heirs from the Throne of *England:* But they ſo far complied with the original Settlement, that they called King *James*'s Daughter *Mary*, married to the Prince of *Orange*, the next *Proteſtant* Heir, to the Throne of her Father. And the Eſtates of the Nation, under the Reign of *William* and *Mary*, to prevent the Return of a *Popiſh* Sovereign, upon the Demiſe of that King and Queen, and of Princeſs *Anne*, their Siſter, without Iſſue, ſettled the Crown upon the Houſe of *Hanover*; ſtill adhering to the lineal Deſcent of *Stuarts* in the *Proteſtant* Line. *

Settlement on the Houſe of Hanover.

This Deſcent proceeds from the Marriage of Princeſs *Elizabeth*, only Daughter to King *James* I. to *Frederick* King of *Bohemia*; who, amongſt other Children, had Iſſue *Sophia*, their youngeſt Daughter, and at the Time of this Settlement of the Succeſſion of the *Engliſh* Crown, Electreſs Dowager of *Brunſwick-Lunenburgh*, the Relict of *Erneſtus Auguſtus*. Of whom were born *George Lewis* 28 *May* 1660. Who by this Act of Settlement, and in his Mother *Sophia*'s Right, aſcended the Throne of theſe Kingdoms on the 1ſt of *Auguſt*, 1714. Their ſecond Son *Frederick Auguſtus* was killed in the Field of Battle in

* See the Act of Settlement on Page 56 of this Volume.

Tranſil-

Transilvania fighting against the *Turks* in 1690. Their other Children were *Maximilian William*, who died unmarried: *Charles Philip* who was killed at the Battle of *Cassaneck* in *Transilvania* in 1690: *Christian*, who was shot in the *Danube* after the Battle of *Munderkingen*, between the *Imperial* and *French* and *Bavarian* Forces in 1703, who also died unmarried: *Ernest Augustus*, Duke of *York*, and Bishop of *Osnaburg*, who left no Issue: And one Daughter *Sophia Dorothy* born *October* 12, 1668, second Wife to *Frederick* III. Marquis of *Brandenburg*, first King of *Prussia*, who died *February* 1704-5, having Issue by his *Prussian* Majesty, *Frederick Augustus*, who died at six Months old, and *Frederick William*, who was afterwards King of *Prusia*, and married his Cousin German *Sophia Dorothy* of *Brunswick-Lunenbourg*, the only Daughter of King *George* I. by whom he had Issue *Frederick* King of *Prussia*, born in 1711, a Daughter named *Anne*, and a Son that died young.

George abovementioned, Elector of *Hanover*, and first King of *Great Britain*, in this Branch, succeeded his Father in his Dominions, and Electoral Dignity: and by espousing *Sophia Dorothy*, sole Daughter and Heiress of his Uncle *George William* Duke of *Zell*, the two Branches of those Families came to be re-united: upon whose Death in 1705, he succeeded him also in his Honour and Estates. King George I.

Pursuant to the Act of Settlement on the Death of Queen *Anne*, on the 1st of *August*, 1714, the Princess *Sophia* being also dead two Months before, *George* Elector of *Hanover*, the next indisputable *Protestant* Heir, was that same Day proclaimed King of *Great Britain*: and he ruled the *British* Dominions with great Wisdom and Justice, till Death removed him from the Throne on the 11th of *June*, 1727.

By his Marriage with *Sophia* Princess of *Zell*, he had one Daughter *Sophia Dorothy*, married to *Frederick* II. King of *Prussia*, and one only Son *George Augustus*, Prince Electoral, born *October* 30, 1683, who soon after the Death of the Duke of *Zell* was elected Knight of the Garter, and created Duke and Marquis of *Cambridge*, Earl of *Milford Haven*, Viscount *Northallerton*, and Baron of *Tewksbury*: and in 1705, he married the Princess *Wilhelmina Carolina*, Daughter of *John Frederick*, Marquis of *Brandenburgh Anspach*.

George Augustus who became Prince of *Wales* on the Accession of his Father to the Throne, immediately succeeded King George II.

ceeded his Father by the Stile of *George* II. King of *Great Britain*, *France*, and *Ireland*, &c. and had Iſſue by *Wilhelmina Carolina*, *Frederick*, Prince of *Wales*. *William* Duke of *Cumberland*, who died unmarried. *Anne*, married to the Prince of *Orange*. *Amelia Sophia*, unmarried. *Mary* married to *William*, *Landgrave* of *Heſſe Caſtle*, and *Louiſa*, married to *Frederick* V. King of *Denmark*.

Frederick Prince of Wales.

Frederick, Prince of *Wales*, married *Auguſta*, Daughter of *Frederick* II. Duke of *Saxe-Gotha*, by whom he had Iſſue, *George*, our preſent illuſtrious Monarch; *Edward Auguſtus*, Duke of *York* and *Albany*, deceaſed; *William Henry*, Duke of *Glouceſter*; *Henry Frederick*, Duke of *Cumberland*; *Frederick William*, deceaſed; Princeſs *Auguſta* married to the Hereditary Prince of *Brunſwick Wolfenbuttle*: *Elizabeth Caroline*, and *Louiſa Ann*, both deceaſed; and *Caroline Matilda*, married to *Chriſtian* VII. King of *Denmark*.

His Royal Highneſs *Frederick* Prince of *Wales*, departed this Life *March* 31, 1751, about nine Years before the Demiſe of his Father King *George* II. and left a Princeſs Dowager, and the numerous Family abovementioned: and King *George* II. dying on *October* 25, 1760. *George* Prince of *Wales*, in right of his Father *Frederick* deceaſed, was proclaimed and crowned King of *Great Britain*, &c. by the Name of *George* III.

King Geo. III.

King *George* III. having mounted the Throne of theſe Kingdoms, married *Sophia Charlotte*, Daughter of *Adolphus Frederick* IV. Duke of *Mecklenburgh Strelitz*, lineally deſcended from the Kings of the *Vandals*. Which Title of King was extinguiſhed in the Year 1163, and the Title of Prince of *Mecklenburgh* was ſubſtituted in its ſtead; whoſe annual Revenue amounts to about 15000*l.* beſides his Domain. This Prince was created a Duke in 1349, and made a Prince of the Empire; ſo that if this Family be not the moſt powerful, it is as ancient and as noble as any in *Germany*. By this Princeſs our moſt gracious Sovereign has Iſſue, *George* Prince of *Wales*, born *Auguſt* 12, 1762. Prince *Frederick*, Biſhop of *Oſnaburgh*, born *Auguſt* 16, 1763. Prince *William Henry*, born *Auguſt* 21, 1765. Princeſs *Charlotte Auguſta Matilda*, born *September* 26, 1766. Prince *Edward*, born *November* 2, 1767. Princeſs *Sophia Auguſta*, born *November* 8, 1768. Princeſs *Elizabeth*, born *May* 22, 1770. and Prince *Erneſt Auguſtus*, born *June* 5, 1771.

Of

Of the ROYAL FAMILY

The Royal Family conſiſt of the Queen Conſort, the King's Children and Grand Children, and all the Perſons of the Blood Royal, being lawful Iſſue.

The Queen Conſort has not Right to the Government of theſe Realms. But ſhe is highly diſtinguiſhed both by Titles and Privileges. She is crowned, and claims the Title of Queen and Majeſty: becomes the ſecond Perſon in the Kingdom, and her Perſon is held ſo ſacred, that it is High Treaſon either to conſpire againſt her Life, or to violate her Chaſtity. Her Houſehold is diſtinct from the King's; for which ſhe has a ſeparate Appointment to maintain the Grandeur of her Court. And though ſhe be an *Alien*, and *Feme-coverte*, ſhe without Naturalization, can purchaſe Lands in Fee-ſimple, make Leaſes and Grants, and ſue in her own Name. In Caſe of the King's Death, ſhe retains the Title of Queen, with the Addition of *Dowager*; keeps her Court, and maintains her Rank of Precedency before all Perſons, but a Sovereign Queen, or the reigning Queen Conſort. The Queen Conſort.

The King's Children, begot in Wedlock, are called the Sons and Daughters of *Great Britain:* becauſe the Nation is highly intereſted in their Lives; though the King has them in his Care to educate and diſpoſe of them. King's Children.

The eldeſt Son is Prince of *Wales:* a Title ſubſtituted by King *Edward* I. inſtead of Duke of *Normandy*, for his eldeſt Son, *Edward* II. when that Dukedom was loſt. This Title is by Creation: but the eldeſt Son of a King of *England* is born Earl of *Cheſter* and *Flint*, and Duke of *Cornwall*, Duke of *Rothſaye* in *Scotland*, and High Steward of *Scotland*. Which two laſt Titles were proper to the eldeſt Son of the King of *Scotland*, and were added to the Prince of *Wales* by King *James* I. Prince of Wales.

The Inveſtiture of a Prince of *Wales* is thus performed. He is crowned with a Cap of State and a Coronet. A Verge of Gold is put into his Hand, as a Token of Government, and a Ring on his Finger in Token, that he ought to be a Huſband to his Country, and a Father to his Children: and then he receives a Patent to

hold the ſaid Principality. The Coronet is decked with three Oſtrich's Feathers, and the Motto ICH DIEN in *Welch*, which is interpreted, *I am the Man*, or *Here is the Man*; alluding to the Promiſe made to the *Welch* Men by King *Edward* I. who perceiving that the *Welch* were reſtleſs and unwilling to be governed by Strangers, contrived to have his Queen lie in at the Caſtle of *Caernarvon*, during his Continuance in *Wales*; where ſhe was delivered of a Son. Upon this Event, the King ſummoned the *Welch* Lords, and offered them a Prince to bear rule over them, who was of their own Nation, and one that could not ſpeak a Word of *Engliſh*, and irreproveable in his Life. To which they having agreed, and ſworn to yield Obedience to ſuch a one, King *Edward* preſented them with his new-born Son *Edward*, with theſe Words, *Ich dien*, i. e. *Here's the Man* I propoſed. However this young Prince was not created Prince of *Wales* and Earl of *Cheſter* till the 29th Year of his Father's Reign, being then between fifteen and ſixteen Years old. And though the Prince of *Wales* is no more than a Subject, yet as next Heir to the Crown, he takes Place of all Peers, and the reſt of the Royal Family; has a ſeparate Houſhold aſſigned him to ſupport the Dignity of an Heir apparent; and it is Death either to imagine his Death, or to violate his Wife.

Younger Children. The younger Sons have no Appennage: but depend entirely on the King's Favour, for Bounty and Revenue. Yet they are, by Birthright, Counſellors of State.

Princeſſes. The *Daughters* are called Princeſſes; are ſupported by the Crown till married, or otherwiſe provided for; and are portioned off to ſome foreign Prince by Parliament: and their Chaſtity is guarded by a Law, that makes it High Treaſon to attempt it.

All the King's Children, together with their other Titles, have that of Royal Highneſs given them: and have the Precedency of all others in *England*. And in Caſe of an Extinction in the Male-Line; the Crown paſſes to the next *Proteſtant* Heir in the Female-Line.

King's Title. The King of the *Britiſh* Dominions, at preſent, is ſtiled GEORGE *by the Grace of* GOD *King of* Great Britain, France *and* Ireland, *Defender of the Faith*; and no more, though theſe Kingdoms are a very little Part of the Countries and Territories ſubject to the *Britiſh* Crown; as will more

more fully appear hereafter. The Stile of *Great Britain* was aſſumed by King *James* I. who being King of *Scotland*, or the Northern Part of the Iſland of *Britain*, and ſucceeding to the Throne of *England* upon the Demiſe of Queen *Elizabeth*, and thereby becoming King over both Nations, took the Stile of King of *Great Britain*. Which was more effectually confirmed by the *Act of Union* in the Year 1707. He is called the King of *France* to perpetuate the Conqueſt made of that Kingdom by *Edward* III. and *Henry* V. and King of *Ireland*, from the ancient Right to that Kingdom confirmed by the *Iriſh* Parliament; and *Defender of the Faith*, a Title uſed ſo early as by King *Edgar*; tho' omitted by his Succeſſors, till reſumed by *Henry* VIII. firſt by the prompting of Pope *Leo* X. who complimented his Majeſty with this Title, for writing a Book againſt *Luther*, upon the *Sacraments*; but more eſpecially by the unanimous Voice of the Nation; which, in full Parliament, added this to the other Titles of the King's of *England*; that as ſupreme Head of the Church within his Dominions, he ſhould always demean himſelf, as a *Defender* of the ancient Catholick and Apoſtolick Faith, profeſſed in this Realm.

Our Kings, in former Times, have been addreſſed by various Titles. Before *Henry* the *Sixth*'s Reign, *Grace*, or *his Grace*, was the only Title. *Henry* VI. improved it to *his excellent Grace*. *Henry* VII. took the Name of *Highneſs:* and his Son *Henry* VIII. aſſumed the Stile of *Majeſty:* ſince which it has been improved into *moſt gracious* and *ſacred Majeſty*. Addreſs.

The Arms of his Majeſty are thus blazon'd. Quarterly; firſt, *Mars*, three Lions-paſſant-guardant in Pale *Sol*, for the Arms of *England*, impal'd with thoſe of *Scotland*, which are *Sol*, a Lion rampant within a double Treſſure Counter-ſtory, *Mars*. The ſecond is *Jupiter*, three Fleur-de-Lis *Sol*, for the Arms of *France*. The third is *Jupiter*, a Harp *Sol*, ſtring'd *Luna*, for *Ireland*. The fourth is Semi, Party per Pale, and per Chevron Enarche: in the firſt *Mars*, two Lions paſſant-guardant, *Sol*, for *Brunſwick:* the ſecond Partition is *Sol*, Semi of Hearts, *Mars*, and a Lion rampant *Jupiter*, for *Lunenburgh*. The Baſe is *Mars*, a Horſe currant *Luna*, for *Lower Saxony*; and over all theſe three laſt, in a Shield Arms.

of Pretence *Mars*, *Charlemain*'s Crown, all within the Garter, the chief Enſign of that moſt noble Order; and above the whole an Helmet ſuitable to his Majeſty's Royal Juriſdiction, upon which is a rich Mantle or Cloth of Gold, doubled Ermine; as alſo an imperial Crown, ſurmounted by a Lion-paſſant-guardant *Sol*, for a Creſt, crowned with the firſt.

Supported on the Dexter Side by a Lion rampant-guardant *Sol*, crowned as the Creſt, and on the Siniſter by an Unicorn *Luna*, arm'd, crin'd and ungal'd, *Sol*, gorged with a Collar of croſs Pattees and Fleurs-de-Lis, and a Chain thereto affixed; all Gold; the Chain paſſing between his Fore-Legs, returns over his Back; and both ſtand upon a Compartment placed underneath; from which iſſues the two Royal Badges of his Majeſty's chief Dominions; the firſt being a red Croſs for *England*, and the ſecond a Thiſtle for *Scotland*.

Motto. Upon the Compartment is a Scroll with theſe Words *Dieu et mon Droit*, i. e. *God and our Right has obtained it*; alluding to the Victory obtained over the *French* by King *Richard* I. in 1193, near *Gyſors*: a Motto retained ever ſince by the Kings of *England*. Upon the Garter is the uſual Motto of the Knights of the Garter already decyphered, founded by King *Edward* III. who alſo aſſumed the Arms of *France*, in right of his Mother, ſole Heireſs to her Brother *Charles* IV.

Standards, &c. By the Act of Union it was agreed that in all Flags, Banners, Standards and Enſigns by Sea and Land, there ſhall be a Croſs of St. *George*, which is *Gules*, the Field *Argent*, and a Croſs of St. *Andrew*, which is *Argent*, the Field *Azure*, conjoined.

Charlemain's Crown. The Crown of *Charlemain*, which our King, Elector of *Hanover*, bears in his Arms, as Arch-Treaſurer and Prince Elector of the Holy *Roman* Empire, being a Subject of great Curioſity, and but little underſtood by the public in general, I ſhall deſcribe it.

This Crown, which is diſtinguiſhed into eight Diviſions, is made of pure Gold, weighing fourteen Pounds, and is ſtill preſerved at *Nuremberg*. The foremoſt Part of the Crown is adorned with twelve Jewels, all unpoliſhed. On the ſecond Diviſion is our *Saviour* ſitting between two Cherubs, each having four Wings, and under whom is this Motto, *Per me Reges regnant*. The third

third Diviſion on the ſame Side has only Gems and Pearls upon it. On the fourth Part ſits King *Hezekiah*, holding up his Head with his Right-hand, like one ſick, and the Prophet *Iſaiah* by his Side with a Scroll containing this Motto, *Ecce adjiciam ſuper dies tuas quindecim annos.* Over the Figures are theſe Words *Iſaias Propheta, Ezekias Rex.* The fifth Diviſion behind, contains Jewels Semi. The ſixth Part contains the Effigies of a King crowned, and a Scroll in his Hand with theſe Words, *Honor Regis judicium diligit.* Over his Head *Rex David.* The ſeventh Diviſion is only of Gems; and the eigthth has a King ſitting with his Crown upon his Head, and this Motto, *Time Dominum, & Regem amato.* Over his Head *Rex Solomon.* On the Top of the Crown is a Croſs, whoſe forepart contains ſeventeen Jewels: and in the Top of the Croſs are theſe Words I H S *Nazarenus Rex Judæorum*, and in the Arch or Semi-circle theſe, CHONRADUS *Dei Gratiâ* ROMANORUM IMPERATOR; this Semi-circle being added by the Emperor *Conrade.*

Of the PRIVY COUNCIL, *Principal* SECRETARIES *of* STATE, *and the* PRIVY SEAL.

The Privy-Council.

In Order to enable his Majeſty to execute the Power committed to him, there has always been a ſupreme ſtanding Council of the Kingdom, called the *Privy Council*, to prepare Matters for Parliament; and giving Form and Exiſtence to all other Councils; though inferior to Parliament, when that great Council of the Nation is ſitting.

Members of Privy Council.

The Privy Council conſiſts of ſuch Perſons, as the King ſhall pleaſe to call to that high Condition, and of others, who ſit there by Virtue of their Offices.

The Method of making a Privy Counſellor, is only by adminiſtering an Oath, "That according to their Power "they ſhall truly, juſtly and equitably adviſe his Ma- "jeſty in all Matters to be treated of in Council, and keep "it ſecret." And being ſworn, he immediately takes his Place at the Council Board.

There is no certain Number limitted for this Council. This depends upon the King's Pleaſure; and has increaſed very much within this laſt Century.

Buſineſs. In this Council all things relating to the public Good, Safety and Defence of the Nation are conſulted. By their Advice, and with their Conſent, the King Iſſues Proclamations, Declarations of War and Peace; for the Meeting and Diſſolution of Parliaments and Convocations. Here all great Officers of State, and Governors of our Plantations, Colonies and Iſlands of *Guernſey*, &c. are ſworn; Sheriffs, and other Officers for public Government are declared. Here it is that all public Grants for Incorporations, Patents, *&c.* are paſſed; and alſo many Kinds of Commiſſions, Inſtructions, *Noli Proſequi's*, Pardons, *&c.* All his Majeſty's Subjects have Acceſs to this Council-board, to deliver Repreſentations, Memorials, Petitions, *&c.* And it is by Committees of the Privy-Council, that all Grievances, Cauſes of Appeal, and Complaints from the Plantations, *&c.* And all Affairs relating to the Iſlands of *Jerſey* and *Guernſey*, &c. are heard and determined. And though King *Charles* I. introduced a *Cabinet Council*, which conſiſted of a few of the great Officers of State and Prime Favourites of the Prince, choſen out of the Privy-Council, all authoritative Acts of State do ſtill iſſue from the *Privy-Council:* that being the ancient Method of Government known to our Laws, and enforced by divers Acts of Parliament.

They are generally choſen from amongſt the Nobility: But we have found many able and honeſt Commoners honoured with a Place in this Council. There are ſtated Days for their Meeting: But they may be called together in the Interim, in Caſe of any ſudden Emergency. And their Debates are collected by the Preſident of the Council, who makes Report thereof to his Majeſty. If the King be preſent, his Judgment always puts an End, and terminates the Matter in Debate. And it is cuſtomary for the King to conceal his Opinion, and to lay the Report made by the Preſident, before his Cabinet Council, before he declares.

Times of Meeting.

Stile. The Stile of this Council is *Moſt honourable:* but of its Members, only *Right Honourable:* which intitles them, if mere Gentlemen, to take Place of all Knights, and younger Sons of Barons and Viſcounts: and it is Felony by Act of Parliament, to make any Attempt againſt the Lives, *&c.* of a Privy-Counſellor.

The

The Officers belonging to the Privy Council are a *Preſident*; four Clerks in ordinary; four Clerks extraordinary; and Under Keeper of the Council Records; three Under Clerks in the Council Office; two Keepers of the Council Chamber; and the Under Keeper of the Council Chamber. The Clerks of the Council have each their Turn in waiting monthly.

Secretary of State.

There is ſeldom any Board of Privy Council held without the Preſence of a *Secretary of State*. This Officer's preſent Authority is not of very ancient date. For before Queen *Elizabeth*'s Time, they did not ſit at the Council Board. Their Buſineſs was to prepare Buſineſs for the Privy Council, in an Office aſſigned them adjoining to the Council-Chamber. When admitted to the Council, they delivered their Propoſals, or notified their Buſineſs ſtanding, one on the Right, the other on the Left-hand of the Preſident, and nothing was debated 'till they were with-drawn. They were then no more than two.

Queen *Elizabeth* made them Privy Counſellors, and they have always held that Place of Honour ever ſince.

Their Duty and Office.

Since the Union, there is added a third Secretary of State for *North Britain*. Theſe Officers have, under their Management and Direction, the moſt important Affairs of the Nation, and are obliged to a conſtant Attendance on the King. They receive and diſpatch whatever comes to their Hands, whether it be for the Crown, the Church, the Militia, private Grants, Pardons, Diſpenſations, &c. and anſwer and diſpatch all Petitions according to the King's Commands and Direction.

Theſe Secretaries are ſtiled his Majeſty's *Principal Secretaries of State*, and are diſtinguiſhed by the Secretary for the Southern Province, the Secretary for the Northern Province, in regard to foreign Affairs, and the Secretary for *North Britain*. But the Affairs at home, and of *Scotland* are equally and diſtinctly managed by all the three.

To each of the *Engliſh* Secretaries of State belong two Under Secretaries, one Chief Clerk, four Under Clerks and a Tranſlator. To the Secretary for *North Britain*, one Under Secretary, and one Clerk.

Signet Office. The Secretaries of State have alſo the Cuſtody of the *Signet*, or that Seal, which gives Denomination to the *Signet Office*. All Grants ſigned by the King are returned to this Office, which tranſcribed are carried to one of the principal Secretaries of State and ſealed; which makes it a *Signet*, and directed to the Lord Privy Seal, it becomes his Warrant. In this Office are four Clerks, and two Deputies to prepare ſuch things as are to paſs the Signet, in order to the Privy or Great Seal.

Theſe Clerks wait alternately by Months, and prepare ſuch Things as are to paſs the Signet; and one of them always attends the Court, whereſoever it removes, and by Warrant from his Majeſty, prepares ſuch Bills, or Letters for the King to ſign, as not being Matter of Law, they are directed by Warrant to prepare.

In this Office the Royal Grants are paſſed as above: But Privy Seals for Money do now always begin in the Treaſury, from whence the firſt Warrant iſſues counterſigned by the Lord-Treaſurer.

When the Nature of the Grant requires the paſſing of the Great Seal, then the Privy Seal is an Authority to the Lord Chancellor, to paſs the great Seal. Where obſerve, that every Thing which paſſes from the King, has three ſeveral Ways of being conſidered before it can be perfected.

Paper Office. Depending on the *Secretary of States Office* is another called the *Paper Office*, where are depoſited all the publick Papers, Writings and Matters of State, Council Letters, *&c.* of public Miniſters abroad, and generally all the Letters and Diſpatches, which paſs through the Secretaries Office, and are kept in a Sort of Library in *Whitehall*.

All the Under Secretaries and Clerks are in the Choice or Nomination of the Secretaries of State: the former of whom receives Orders and Directions from them to write Diſpatches, which they give to the Chief Clerk, who diſtributes them to the Under Clerks.

Privy Seal. The *Lord Privy-Seal*, receiving his Warrant from the Signet Office, iſſues the Privy Seal, which is an Authority to the Lord Chancellor to paſs the Great Seal, if required. Under the Privy Seal paſſes all Charters and Grants of the Crown, and Pardons ſigned by the Sovereign,

reign, before they have the Great Seal; as alſo ſeveral other Matters of leſs Concern, as the Payment of Money, *&c.* But Privy Seals for Money, begin in the Treaſury, from whence the firſt Warrant iſſues, counterſigned by the Lord Treaſurer. The Lord Privy Seal has two Deputies, and four Clerks.

To theſe we ſhall add the great Officers of State, *viz.* the *Lord High Steward*; the *Lord High Chancellor*, or *Lord Keeper of the Great Seal*; the *Lord High Treaſurer*; *Lord Privy Seal*; *Lord Preſident of the Council*; *Lord Great Chamberlain of* England; *Lord High Conſtable*; *Earl Marſhal*, and *Lord High Admiral*.

Lord High Steward.

The *Lord High Steward*, or *Magnus Angliæ Seneſchallus*, is inveſted, by his Office, with ſuch Powers, as intitle him to be, as it were, the King's Lord-Lieutenant of the whole Realm. And whatever might induce our *Norman* Kings to create ſuch an Officer, like unto, or in Imitation of the *Mayors of the Palace in* France, who were, on ſome Occaſions, too powerful for their Sovereign, the Danger that might ariſe from placing ſuch an exorbitant Power in the Hands of a Subject, has, for many Generations, prevailed with the Kings of *England* to reſerve that Office under ſuch Conditions and Reſtrictions, as to prevent any bad Conſequences ariſing from it. For, *Henry Bolinbroke*, Son of *John* of *Gaunt*, and King of *England* by the Name of King *Henry* IV. was the laſt who had a State of Inheritance in this Office. Since that *Æra*, the reigning Prince has always created a *Lord High Steward* to officiate *pro hac vice* only, whenever the Ceremonial, or Courſe of Juſtice, has required the Preſence of ſuch an Officer. Which Occaſions are at a Coronation, and at the Trial of a Peer or Peereſs for a capital Offence.

At a *Coronation* he keeps his Court at the King's Palace at *Weſtminſter*, to receive Claims, and to judge and determine their Right to a Service at the King's Coronation; for which he has a certain Fee. And in the Proceſſion, on the *Coronation-Day*, he takes Precedence immediately before the King himſelf, bearing in his Hand King *Edward*'s Crown.

Trial of Peers.

For the Trial of a Peer or Peereſs for a capital Offence, the King appoints by his Letters Patent a Lord of Parliament, *hâc vice*, to be Lord High Steward, and who is called

called Lord High Steward. In which Letters Patents or Commiſſion under the Great Seal, is recited the Indictment generally as it is found; and Power is given to the Lord Steward to receive the Indictment, *&c.* and to proceed *according to the Law and Cuſtom of* England: and a Commandment is thereby given to the Peers of the Realm to attend and to obey him. And a *Certiorari* is iſſued out of Chancery to remove the Indictment itſelf before the Steward of *England*, which may either bear date the ſame Day of the Steward's Commiſſion, or any Day after. Then the ſaid Steward directs his Warrant under his Seal to the Commiſſioners or Judges of the King's-Bench, *&c.* to certify the Indictment at ſuch a Day and Place, as he ſhall appoint. And then another Writ goeth out of the Chancery directed to the Lieutenant of the Tower, to bring the Body of the Priſoner before the Steward, at ſuch a Day and Place, as he ſhall appoint. And the Lord High Steward maketh a Precept under his Seal to the Lieutenant of the Tower, *&c.* and therein expreſſeth a Day and Place, when he ſhall bring the Priſoner before him; and another Precept to the Serjeant at Arms to ſummon the Lords of Parliament: And though every Criminal under the Degree of Nobility, has a Right to be tried in the County, where the Fact is committed, this great Officer may appoint and ſit in any Place in *England* for the Trial of a Peer.

Againſt the Day of Trial a Court is erected, at the Charge of the Crown, in *Weſtminſter-Hall.* And, tho' in former Times it was cuſtomary to ſummon not more than ſixteen or eighteen Peers for to appear before the Lord High Steward, it has been ſettled by an Act of Parliament in 7 and 8 *William* III. that upon the Trial of any Peer or Peereſs for Treaſon or Miſpriſon, all the Peers, who have a Right to ſit and vote in Parliament, ſhall be duly ſummoned twenty Days at leaſt before every ſuch Trial, to appear at every ſuch Trial: and that every ſuch Peer ſo ſummoned and appearing at ſuch Trial, ſhall vote in the Trial of ſuch Peer or Peereſs ſo to be tried, every ſuch Peer, firſt taking the Oaths preſcribed by an Act made in 1 *William* and *Mary*.

On the Day of Trial the Lord High Steward, preceeded by ſix Serjeants at Arms, goes to the Court, and takes his Place under a Canopy of State, and on a Bench raiſed ſeveral

ſeveral Steps above the Reſt of the Court, and is intitled to the Stile of *Your Grace*. Being ſeated, the Clerk of the Crown delivers to him his Commiſſion, which the Lord High Steward immediately returns to the ſaid Clerk, who orders the Serjeant at Arms to repeat three times *O yes!* Silence being made, the Commiſſion is read. This done, the Uſher of the Court delivers a white Rod to the Lord High Steward, who re-delivereth it to him again. The Uſher holding this Rod before the Lord High Steward, another *O yes* is made, and Commandment is given in the Name of the Lord High Steward of *England* to all Juſtices and Commiſſioners to certify all Indictments and Records, *&c.* And theſe being delivered into Court accordingly, the Clerk of the Crown readeth the Return that is made. Then another *O yes* is made, and the Lieutenant of the *Tower* is called upon to return his Writ and Precept, and to bring the Priſoner to the Bar. The Lieutenant brings the Priſoner to the Bar, preceding him with an Ax on his Shoulder, and its Edge turned from the Priſoner. The Priſoner being placed at the Bar, the Lieutenant delivers his Return into Court, which is read by the Clerk of the Crown. Then another *O yes* is made for the Serjeant at Arms to return his Precept, with the Names of the Barons and Peers ſummoned by him. Which Return being read, another *O yes* is made for all the Earls, Barons, and Peers thus ſummoned to appear before the Lord High Steward, to anſwer to their Names; who, as they are called, take their Places in the Court and ſit down, and their Names and Appearance are recorded, *ad faciendum ea quæ ex Parte Domini Regis eis injunguntur.* When they are all ſeated, and the Judges alſo are placed at the Feet of the Peers, or about a Table in the midſt of the Court, or in ſome other convenient Place, to reſolve ſuch Points in Law, as may ariſe in the Trial, the Lord High Steward applying himſelf to the Priſoner at the Bar, declares to him the Occaſion of the King's commanding that Aſſembly of Lords to be ſummoned, and to be there; and tells him to anſwer without fear, and that he ſhall be heard with Patience, and that Juſtice ſhall be done to him.

This done, the Clerk of the Crown reads the Indictment; of which the Priſoner has a right to a Copy five Days, at leaſt, before the Day of Trial, if the Crime be

High

High Treaſon, or Miſpriſon of Treaſon. He alſo has two Counſel aſſigned him by the Court to adviſe with, and to plead and make his Defence, and to make any Proof they can by lawful Witneſs upon Oath for his juſt Defence.

After the Indictment is read, the Clerk of the Crown aſks the Priſoner, whether he be *Guilty* or *Not Guilty:* to which if he anſwers *Not Guilty*; then the Clerk of the Crown aſks him, how he will be tried? The Priſoner anſwers, *By God and his Peers.* Then the Lord High Steward gives a Charge to the Peers, exhorting them to try the Priſoner indifferently according to the Evidence given before them. And after the Witneſſes have been called and examined, and the Priſoner has made what Defence he can, the Lieutenant of the Tower conducts the Priſoner from the Bar to ſome convenient Place, 'till the Lords ſhall privately conſult together, like Jurymen. The Majority of whom being agreed in their Verdict, the Lords return to their Seats; and the Lord High Steward beginning with the Puiſne Lord, aſks him whether he finds the Priſoner *Guilty*, or *Not Guilty*. To which, he ſtanding up, and laying his Hand on his Breaſt, (as do all the other Lords in their Courſe, when aſked the ſame Queſtion) anſwers, Guilty, or not Guilty, (as he finds him) *upon my Honour*. This done, the Lord High Steward orders the Priſoner to be brought again to the Bar, and informs him of the Verdict given by the Lords. And if found guilty, the Lord High Steward pronounces Sentence of Death upon him. After Sentence has paſſed, the Lieutenant of the *Tower* takes the Priſoner from the Bar, and with the Edge of the Ax turned towards him, conducts him back to the Place of his Confinement in the *Tower*. And the Trial being over, the Lord High Steward openly breaks his *white Staff:* which puts an End to his Commiſſion, and to his High Office.

Lord High Chancellor.

The *Lord High Chancellor*, or *Lord Keeper* of the Great Seal, are now one and the ſame thing under different Names; though formerly their Offices were diſtinct. This, when there is no *Lord High Steward*, is accounted the higheſt Officer in the State, and the higheſt Perſon in the Kingdom in civil Affairs, next after the Princes of the Blood. His Lordſhip, *ex officio*, is Speaker of the Houſe of Lords, and

and his Grandeur is ſuch, that he has four Places in the Houſe of Peers; one behind the King of *Scots* Chair; the ſecond next to the Dukes of the Blood; that third on the firſt Wool-pack, and the fourth at the Table. Of ſeventy-two Officers under him, it is remarkable that forty-four of them have Employment in Parliamentary Affairs, either upon its ſummoning, or during its ſitting; and his Warrant is the ſecond *Fiat*, that gives Birth or Diſſolution to a Parliament. He is, under the King, the chief of all Magiſtrates: Judge of the High Court of Chancery: the Guardian of Orphans, *&c.* And he has the Gift of all Crown eccleſiaſtical Benefices, under twenty Pounds a Year in the King's Books. But this great Officer holds his Place at the King's Pleaſure; and though the Salary annexed to it is no more than 2100*l. per Ann.* it is generally admitted to be worth in Perquiſites not leſs than 7000*l. per Ann.* beſides the Opportunity of providing in the beſt Manner for his Family and Friends, both in Church and State.

Lord High Treaſurer.

The *Lord High Treaſurer*, when in being, is generally ſaid to be the King's Prime Miniſter judicatory between the King and the People; taking his Title from the Word *Treaſury*, or Place for ſecuring the public Money raiſed by Parliament. He holds the Poſt only during the King's Pleaſure with a Salary of 8000*l. per Ann.* and has not only the Management of the Treaſury or Exchequer, but the Nomination of all the Officers any way employed in collecting the Revenues of the Crown; and he has in his Gift, all the Cuſtom Searchers, and all other Officers in the Cuſtoms (except thoſe for collecting the Coal Duty) in all the Ports of *England*; and the Eſcheators in every County. But this high Office ſeems to have declined, and has been thought too great to be in the Hands of any one Subject; and, therefore, it has almoſt conſtantly, ſince the Revolution, been put into, and executed by, Commiſſion.

Lord Privy Seal.

The *Lord Privy Seal* is, by his Office, a Privy-Counſellor. His Salary is 3000*l. per Ann.* beſides large Perquiſites; as will appear in the Buſineſs of that Office already ſtated on Page 344. So that I ſhall diſmiſs this great Officer with only one Admonition, That as the Nature of this Office is ſuch, as to prevent the perfecting any Warrant againſt the

the Laws or Cuſtoms of the Nation; and that it is the Duty of the Privy-Seal, as well as of the Broad-Seal, to ſee to the Legality of what is to be ſigned, and to inform the Sovereign with what they find amiſs.

Lord Preſident of the Council.

The next great Officer of State is the *Lord Preſident of the Council*. A Poſt rather of Honour, than Profit. His Buſineſs is to lay all Matters before the Privy Council, to collect their Debates and Reſolutions, and to report the ſame to his Majeſty, when their Royal Maſter happens to be abſent. This is a very ancient Officer, who in King *John*'s Time was diſtinguiſhed by the Title of *Conſiliarius Capitalis*, or Chief of the Council; but was diſcontinued by King *Charles* I. after the Death of the Earl of *Mancheſter*. During this Intermiſſion, the Lord High Chancellor acted as Preſident of the Council: But King *Charles* II. renewed the Office in the Perſon of the Earl of *Shaftſbury*.

Lord Great Chamberlain.

The *Lord Great Chamberlain of* ENGLAND is an Officer of great Antiquity alſo. This Office was anciently enjoyed by the Earls of *Oxford*, with very little Interruption, till the Reign of Queen *Elizabeth*. And from them it deſcended by Inheritance to the Family of *Bertie*, now Dukes of *Ancaſter*, by the Marriage of *Peregrine Bertie*, Lord *Willoughby* of *Ereſby* with the Heir General of the Earl of *Oxford*. To this great Officer did anciently belong Livery and Lodging in the Royal Palace, and certain Fees from the Archbiſhops and Biſhops, when they performed Homage to their Sovereign; and from all the Peers of the Realm, at their Creation. The whole Palace of *Weſtminſter* is under his Government, ſo that upon all ſolemn Occaſions, the proper Officers deliver up to him the Keys of *Weſtminſter-Hall*, and of the *Court of Requeſts*. He iſſues his Warrants for furniſhing the ſaid Hall for Coronations, and Trials of Peers: and the Gentleman Uſher of the Black Rod, the Yeoman Uſher and the Door-keepers are immediately under his Command.

On the Day of the King's Coronation, he waits upon the King before he riſes, with a Shirt, Coif, and wearing Apparel. Then he dreſſes the King in his Royal Robes; and, in the Proceſſion, he walks with a white Staff in one Hand, and his Coronet in the other. And

that

that Day, before and after Dinner, he ſerves his Majeſty with Water to waſh his Hands.

For which Services his Lordſhip is intitled to forty Ells of Crimſon Velvet to make his own Robes, and to the Bed, all the Furniture of the King's Chamber, and his Majeſty's laſt Night's Apparel before the Coronation, and to every Thing uſed by the King on the Coronation Day. He keeps very near the King's Perſon, the whole Day. And, at other Times, when the King goes to the Houſe of Peers, he appoints a Lord to carry the Sword of State before him into the Houſe, and goes himſelf on the Right-hand of the Sword. And finally this Officer has the Care to provide all things in the Houſe of Lords during their ſitting.

Lord High Conſtable.

The *Lord High Conſtable* is an Officer like the Lord High Steward, created originally with ſuch Power and Juriſdiction, as for many ages has been thought too great and dangerous for our Conſtitution to be lodged in any Subject. So that this Office has been diſcontinued ever ſince the Death of *Edward Bagot*, Duke of *Buckingham*, who died in the Reign of King *Henry* VII. and was the laſt High Conſtable of *England*, except that temporary Officer created to grace a Coronation. On which Occaſion he marches in his Robes, with a Staff and Coronet in his Hand. When that Ceremony is over, he breaks his Staff, and then his Office or Commiſſion expires.

Earl Marſhall.

The *Earl Marſhal of* ENGLAND is a great Officer deſcending by Inheritance in the moſt noble Family of the *Howards*, Dukes of *Norfolk*, in Right of the Mother's Side from *Thomas Mowbray*, Earl of *Nottingham*, the firſt Earl Marſhal of *England*.

This Officer is to take Cognizance of all Matters of War and Arms. He, by his Deputy, and with the Aſſiſtance of the King at Arms, and Heralds, marſhals and orders the Coronation, *&c.* of our Monarchs; and proclaims Peace and War with foreign Powers. He may preſide in the Court of *Marſhalſea*, and try for Offences committed within the Verge of the King's Court. See Page 290. But his chief Court is that of Chivalry, kept in the Common Hall of Heralds, *London*. For, he being the Judge of Coats of Arms, and of the Pedigrees of the Nobility and Gentry, the Heralds-Office

Herald's Office.

Office is ſubordinate to him. This Office of Heralds was incorporated by King *Richard* III. and conſiſts of thirteen Members, favoured with many new Privileges by *Philip* and *Mary*, which have been greatly impaired of late Years. It is his peculiar Province to grant Arms to ſuch as are qualified; and to decide all Diſputes concerning Deſcents, Pedigrees, Eſcutcheons, *&c.*

At a Coronation this great Officer walks with his Staff and Coronet in his Hand.

Under the Earl Marſhal of *England*, there are three Regulators of Arms, Ceremonies, Pedigrees, and Deſcents of Nobility and Gentry, *viz. Garter*, *Clarencieux*, and *Norroy*.

Garter.

Garter is the *principal King at Arms:* an Officer of that Diſtinction and Importance in ancient Times, that he was created with great Ceremony by the King himſelf.

This is the chief Lay-officer in the Order of the Knights of the Garter, and marſhals their Inſtallations and Feaſts. He alſo is the principal Officer in the Herald's Office, under the Deputy Earl Marſhal, who acts at this Time, under the Duke of *Norfolk*, his Grace being a *Roman Catholic*.

He was inſtituted by King *Henry* V. in the Year 1417, for the Service of the moſt noble Order of the Garter; and, for the Dignity of that Order, he was made Sovereign within the Office of Arms, over all other Officers ſubject to the Crown of *England*. By the Conſtitution of his Office he muſt be a Native of *England*, and a Gentleman bearing Arms. To him belongs the Correction of Arms, and all Enſigns of Arms uſurped or borne unjuſtly; and the Power of granting Arms to deſerving Perſons, and Supporters to the Nobility and Knights of the *Bath*. It is likewiſe his Office to go next before the Sword in ſolemn Proceſſions, none interpoſing, except the Marſhal. He adminiſters the Oath to all the Officers of Arms, and has a Habit like the Regiſter of the Order of the Garter, with Barons Service in the Court, and Lodgings in *Windſor* Caſtle: he carries a white Rod with a Banner of the Enſigns of the Order thereon before the Sovereign. When any Lord enters the Parliament Chamber, it is his Poſt to aſſign him his Place, according to his Dignity and Degree:

and

and it is his Place to carry the Enſigns of the Order to foreign Princes, and to do, or procure to be done, what the Sovereign ſhall enjoin relating to the Order. His Salary is 100*l.* *per Ann.* out of the Exchequer, and 100*l.* more out of the Revenue of the Order, beſides his Fees. He wears a Mantle of Crimſon Sattin, and carries a white Rod or Sceptre, with the Sovereign's Arms a-top, in preſence of the Sovereign; who inveſts him with the Enſigns of his Office in full Chapter.

Clarencieux, ſtiled *King at Arms*, is an Officer firſt appointed or created by King *Edward* III. to be attendant upon his third Son, the Duke of *Clarence*. He is created by Patent, and with much Ceremony. His Office is to marſhal and diſpoſe the Funerals of all the lower Nobility, ſuch a Baronets, Knights, Eſquires, and Gentlemen on the South of *Trent*. And in that Province to grant Arms with the Conſent of the Earl Marſhal. In the Vacancy of *Garter* he executes his Office. His Salary is 40*l.* *per Annum*, out of the Exchequer, beſides his Fees. Clarencieux.

Norroy qu. *North-roy*, *King at Arms*, is an Officer veſted with the ſame Power on the North of *Trent*, as *Clarencieux* is on the South Side. They were originally deſigned, and had Power by their Charter, to viſit noble Families, take Inquiſition *poſt mortem*, ſtate their Pedigrees, *&c.* But this moſt neceſſary Part of their Office, with ſome others, were curtailed and annulled by the Statute of the 12th of King *Charles* II. Norroy.

The Kings of Arms were formerly created by their Sovereign with great Solemnity upon ſome high Feſtival: But ſince the Ceremonies uſed at the Creation of Peers have been laid aſide, the Kings of Arms have been created by the Earl Marſhal, by Virtue of the Sovereign's Warrant. Upon this Occaſion each takes an Oath, Wine is poured on his Head, out of a gilt Cup, with a Cover; his Title is declared, and he is inveſted with a Tabart of the Royal Arms richly embroidered upon Velvet; with a Collar of S S, and two Portcullices of Silver gilt, and with a Gold Chain having the Badge of his Office appendant: the Earl Marſhal places upon his Head the Crown of a King at Arms, which formerly reſembled a ducal Coronet; but ſince the Reſtoration, it has been adorned with Leaves reſembling thoſe of the Oak, and circumſcribed according to ancient Cuſtom, with theſe Kings of Arms how created.

Words, MISERERE MEI, DEUS, SECUNDUM MAGNAM MISECORDIAM TUAM.

The Kings of Arms are diſtinguiſhed from each other by their reſpective Badges, which they may wear at all Times, either on a Gold Chain, or on a Ribbon; Garter's being *blue*, and the others being *purple*.

In this Office we find other Officers, as ſix *Heralds*, and four *Purſuivants*.

Herald's. The *Heralds* were originally created by pouring a Gold Cup of Wine upon their Heads by the King himſelf; and have been ſometimes ſtiled *Dukes at Arms*. They are ſworn in the ſame Manner as the Kings, and are inveſted with a Tabart of the Royal Arms, embroidered upon Sattin, but not ſo rich as the Kings, and with a Collar of S S. They are Eſquires by Creation, and have a Salary of 26*l.* 13*s.* 4*d.* *per Annum*, and Fees according to their Degree. *Note*, that both the Kings and Heralds are ſworn upon a Sword, as well as a Book, to ſhew that they are military, as well as civil Officers. The Heralds receive their Name from the two *German* Words *Here* and *Helt* or *Held*, which ſignify the Army's Champion to denounce War, or offer Peace. They are now created in the ſaid Manner by the Earl Marſhal; and their Office is to wait at Court, to attend all public State Solemnities, and to proclaim War and Peace; to marſhal all the Solemnities at Coronations, Royal Chriſtenings, Marriages and Funerals; and to blazon and examine Coats of *Arms*, &c. Their Names of Diſtinction are *Windſor*, *Cheſter*, *Lancaſter*, *York*, *Richmond*, and *Somerſet*, who take Place according to Seniority in Office. To whom were added by King *George* I. one named the *Hanover* Herald, and another ſtiled *Glouceſter* King at Arms.

Purſuivants. The four *Purſuivants* are called *Purſuivants at Arms*, and known by the Names of *Rouge Croix*, *Blue Mantle* *Rouge Dragon*, and *Portcullis:* and are created by the Earl Marſhal. They take an Oath of Office, and are inveſted with a Tabart of the Royal Arms upon Damaſk. Their Salary is no more than 20*l.* *per Annum*, with Fees according to their Degree. Their, and the Heralds, Duty is to attend in the public Office, one of each Claſs together, by a Monthly Rotation.

Beſides

Beſides the particular Duties of the ſeveral Claſſes, it is the general Duty both of the Kings, Heralds, and Purſuivants to attend his Majeſty at the Houſe of Peers, and upon certain High Feſtivals to the Chapel-Royal; to make Proclamations, *&c.* Duties of theſe Officers.

All theſe Officers have Apartments in their College, annexed to their reſpective Offices. They have alſo a public Hall, in which there is a Court for the Earl Marſhal; where Courts of Chivalry are occaſionally held, and the Officers of Arms attend in their Tabarts, his Lordſhip being preſent. Reſidence.

The *Lord High Admiral* is the laſt of the great Officers of State, and is one of thoſe, whoſe Power and Juriſdiction has been thought too dangerous in the Hand of any one Subject: therefore, as obſerved before on Page 226, this Office is now held in Commiſſion by thoſe, who are ſtiled *Lords of the Admiralty*, and enjoy all the Rights and Privileges belonging to the Office of Lord High Admiral. Lord High Admiral.

The Salary of a Lord High Admiral is 7000*l.* *per Annum*, and to him belong all Penalties and Amerciaments of all Tranſgreſſions at Sea, on the Sea-ſhore, in Ports and Havens, and all Rivers below the firſt Bridge from the Sea, the Goods of Pirates and Felons condemned, or outlawed; Sea-wrecks; Goods floating on the Sea, or caſt away on the Shore, not claimed by Lords of Manors; and all great Fiſhes called *Royal Fiſhes*, except Whales and Sturgeons. *

Of the KING'S HOUSHOLD.

In a Survey of the King's Houſhold, we muſt diſtinguiſh it into *Civil*, *Eccleſiaſtical*, and *Military*.

The Civil Department is conducted by the *Lord Steward*, the *Treaſurer*, the *Lord Chamberlain*, and *Maſter of the Horſe*.

The *Lord Steward* is the principal Officer for the Civil Government of the King's Servants below Stairs. He is conſtituted by the Delivery of a white Staff: and, by virtue of his Office, without any other Commiſſion, he judges all Offences committed within the Court, or the Verge thereof, and gives Judgement according to their ſeveral Deſerts. It is his Duty to attend the King at the Be- Lord Steward.

* See before an Account of the Admiralty on Page 226.

ginning of the Parliament, and to adminiſter the requiſite Oaths to the Members of the Houſe of Commons; and at the End of Parliament to adjuſt parliamentary Expences. At the death of the Sovereign he breaks his Staff over the Hearſe, in which the Royal Corpſe is depoſited, and thereby diſcharges all the Officers under his Power.

Treaſurer. The *Treaſurer of the Houſhold*, though under the *Lord Steward*, is a principal Staff-Officer below Stairs. In the abſence of the Lord Steward, he, with the Comptroller and other Officers of the *Board of Green Cloth*, has Power to hear and determine Offences within their Verge, and that by Verdict of the King's Houſhold. Under him there is a Comptroller, Cofferer, Maſter of the Houſhold, and ſix Clerks of the Green Cloth.

Board of Green Cloth. It is of all theſe, that the *Board of Green Cloth* is compoſed. It is ſo called from a Green Cloth where they ſit, on which is depicted the Arms, *Vert*, a Key *Or*, and a Staff *Arg. Saltire*, ſignifying their Power to reward or puniſh, and is properly a Court of Juſtice continually ſitting in the King's Palace.

Under their Inſpection and Direction are all the Officers and Servants in the Accompting Houſe, Bakehouſe, Pantry, Buttery, Cellar, Spicery, Confectionary, Ewry, Laundry, Privy-Kitchen, Larder, Poultry, Scalding Houſe, Paſtry, Scullery, Wood-yard, Harbingers, Porters at the Gate, Car-takers, Tail-cartakers, the Almonry, Bread-Bearer, Wine-Porters, and ſeveral other neceſſary Servants to the Number, in all, of one hundred and fifty-ſix, all in the Gift of the Lord Steward of the Houſhold; beſides the Knight Marſhal, under whom are properly the King's Bailiffs, who arreſt in the Verge of the Court, when a Warrant is backed by the Board of Green Cloth. The Knight Marſhal and his Men have Place in all Cavalcades or public Proceſſions, at declaring of War, proclaiming of Peace, public Entries and Proceſſions made by the Sovereign.

The Clerk of the Market. Here it will be proper to mention ſome Account of the *Clerk of the Market of the King's Houſhold.* This Office is as ancient as the Royal Houſhold. The earlieſt Statutes take Notice of this Office, and *Fleta* writes, That it ſubſiſted long before the Statute Law took place. By Virtue of his Office, he by 16th *Richard* II. had

had a Right to eſſay the Weights and Meaſures uſed in any Part within the Realm. But this extenſive Juriſdiction, confirmed by ſeveral ſubſequent Act of Parliament, was confined by 16 *Charles* I. c. 19. within the Verge of the King's Court, *i. e.* twelve Miles round the Place of the King's Reſidence. Within that Verge or Circuit, the Clerk of the Market may hold his Court in ſuch Place as ſhall be moſt convenient for the People, iſſuing out his Precept to the High Conſtable to impannel a Jury of fit and honeſt Men to hear, enquire and determine on his Majeſty's Behalf, into Offences cognizable in his Court. His Power.

The Petty Conſtables are, by Virtue of this Precept, ſummoned by Warrant of the High Conſtable, to warn all Perſons in their ſeveral Pariſhes or Diſtricts, who buy or ſell with Weights or Meaſures, whether ſealed or unſealed, to appear at the Time and Place appointed by the Clerk of the Market, or his Deputy, to have their Weights and Meaſures examined by the King's Standards; and every Conſtable, Headborough, *&c.* doth alſo preſent to the Clerk of the Market, at the Return of his Warrant, a Note fairly written and annexed thereto, expreſſing the Pariſh and Diſtrict of which they are Officers, and the Names and Profeſſions of the Perſons they have warned to appear, their Signs and Diſtinctions, Places of Abode, and of the Weights and Meaſures which they uſe; the High Conſtable alſo attends to make a Return of the Precept, endorſing on it the Names of the Jurors, and alſo of the Conſtables, Officers, *&c.* who, not appearing, are liable to be amerſed for a Contempt, by the Clerk of the Market. When the Jury is compleat, and regularly ſworn, a Charge is given them by him, explaining the Offences cognizable in that Court, and what they are to enquire into; namely, of unjuſt and illegal Balances, Weights and Meaſures, the ſelling of unwholſome Fiſh, Fleſh, and Wine, or other Meat, Drink, and Victuals; alſo of Foreſtallers, Regrators, and Engroſſers, *&c.* and the Perſons againſt whom a Verdict is given by the Jury, for ſuch Offences, are fined according to Law and ancient Cuſtom, and the Fines eſtreated into the Exchequer for his Majeſtys Uſe, to be levied by the Sheriff of the County where it ſhall ſo happen.

This Office is of indiſpenſable Uſe, more eſpecially when the King travels, or during his Reſidence at any of his Palaces diſtant from his uſual Abode; in this Caſe a Warrant is directed to the Clerk of the Market, commanding and obliging him to ſee that all Proviſions be good and wholeſome, and ſold by legal Weights and Meaſures. By this Means the King's Houſhold, and the Attendants on the Court, are preſerved from being impoſed on, and this was one of the principal Ends and Intentions of this Office, as appears in a full and particular Manner in the ancient Statute of *Eltham*, 10 *Henry* III, to be ſeen in the Book of his Majeſty's Compting Houſe, a Clauſe out of which is as follows:

"That the Clerk of the Market, in avoiding the "Danger of the Loſs of his Office, and further Puniſh-"ment at the King's Pleaſure, ſhall duly put in Execu-"tion all Things thereto appertaining, as well as to "Victuals being good and wholeſome, as for juſt obſerv-"ing Weights and Meaſures and Rates aſſigned, and "ſetting convenient Prices on Meat and Drink, Horſe-"meat, Lodgings, Bedding, and other Things in ſuch "Caſes accuſtomed, ſo as Noblemen and others attend-"ing the Court, and Suitors, and others following the "ſame be not put unto exceſſive Charges for their Ex-"pences, but ſuch Indifference to be uſed as (the "Plenty or Scarcity conſidered) ſhall accord with Equity "and Reaſon, and that no Perſon pay more for Victuals "Horſe-meat, Lodging, or otherwiſe, than after the "Rates aſſeſſed by the Clerk of the Market."

His Proclamation.

The Form of Proclamation to be proclaimed by the Clerk of the Market, and he to ſee it executed, touching Prices of Victuals.

"The King's Majeſty ſtrictly Charges and Com-"mands, that every Man do obey and keep all ſuch "Prices as are, and ſhall be prized and rated by the "Clerk of the Market of his Majeſty's moſt honoura-"ble Houſhold, and the Jury before him, or his Deputy, "by the Authority of his Office, ſworn, and charged "from time to time, and ſo fixed, and ſet upon the "Gates of the King's Highneſs's Court, and other Places "within the Verge; and that no Perſon or Perſons, of "what Eſtate or Degree ſoever he be, do, in any wiſe, "pay more for Corn, Victuals, Horſe-meat, Lodgings,

"or

" or any Kind of Victuals, than after the Rate and " Form aforeſaid, upon Pain of Impriſonment, and further " Perils, that ſhall thereof follow; the ſame Puniſhments " to be inflicted, as well upon them, and every of them, " which do, or ſhall preſume to pay any more for any of " the Things before-mentioned, as upon them and every " of them, which ſhall utter and ſell any Manner of Things, " contrary to the true Meaning of this Proclamation.

" And, moreover, the King's Highneſs ſtrictly charges " and commands all Mayors, Juſtices of the Peace, Bailiffs, " Conſtables, and all other his faithful Officers, and every " of them, as well within Liberties as without, within the " Verge of his Highneſs's Court, from Time to Time, " when as often as Need ſhall require, diligently, within " their Authority, to endeavour themſelves to ſee Execu- " tion and due Reformation of the Premiſes, according to " Juſtice and the Prices as aforeſaid. And further it is " ordered, That no Perſon or Perſons, now uſing, or, " which of Right ought to uſe to ſerve any City, Town, " or other Place within the Verge of his Highneſs's Court, " with any Kind of Corn, Victuals, Horſe-meat, Lodg- " ings, or any other Neceſſaries, as well upon the Market- " Day, as at any other Time, be any Thing the more " remiſs or ſlack in making Proviſion for the ſame, than " they, or any of them, heretofore have been; nor hide, " lay aſide, or uſe any Colour of Craft to deceive the " Buyers thereof, whereby the King's Highneſs's Train " within any City, Town, or other Place, or any of the " Inhabitants of the ſame ſhould not be as well ſerved, " and plenteouſly furniſhed, in every Behalf, as it was be- " fore, or of Right ought to have been, in Defraud of this " his Highneſs's Ordinance; nor take, nor receive any " more than according to the Prices, which from Time " to Time ſhall ſtand and be declared in Manner aforeſaid, " under his Grace's Seal of the Office of the Clerk of " the Market, upon Pain of Impriſonment; and further, " to make Fine unto the King's Highneſs's Uſe for his " or their Contempt therein. *Anno Dom.* 1603. The 1ſt " Year of the Reign of King *James* I."

This Ordinance is founded on the Stat. of *Eltham*, the 10 *H.* III. *Anno* 1226.

From the Treaſurer of the Houſhold is derived the *Marſhal-ſea* Court, held in *Southwark*, for the Trial of Cauſes between Marſhal-ſea Court

between Party and Party, for any Sum within ten Miles of *London*. Here is alſo a Court of *Verge* to hear and determine all Crimes committed within the Diſtrict or Verge of the Royal Palace.

Lord Chamberlain.

The *Lord-Chamberlain* has the principal Command of the King's Servants above Stairs (except in the Bed Chamber, who are under the Grooms of the Stole) who are all ſworn by him, or under his Warrant, by the Gentlemen Uſhers. To him belong the Inſpection of all the Officers of the Ward-robe at all the King's Houſes, and of the removing Ward-robes, Beds, Tents, Revels, Muſick, Comedians, Hunting, Meſſengers, Trumpeters, Drummers, Handicrafts, Artizans, retained in the Service of the King or Queen: and of the Serjeants at Arms, Phyſicians, Apothecaries, Surgeons, *&c.* and finally of his Majeſty's Chaplains. He has alſo the Charge of Coronations, Marriages, Entries, Cavalcades, Funerals, *&c.* and of all Furniture in Parliament, and in the Rooms of Addreſs to the King. And amongſt others, he has the Appointment of a Poet-Laureat, a Hiſtoriographer, Painters, and Surveyors of Pictures to his Majeſty, * and he licences Plays.

This is a White Staff Officer, and is allowed 100*l.* *per Annum*, Salary, and 1109*l.* Board-wages: In the Gift of the King. Under this great Officer there is a *Vice-Chamberlain*, who is an Aſſiſtant to the Lord-Chamberlain, and commands in his Abſence. The Vice Chamberlain is always a Privy Counſellor, and has a Salary of 66*l.* 13*s.* 4*d.* and 499*l.* 15*s.* Board-wages. Which is alſo in the King's Gift.

Vice-Chamberlain.

Lords of the Bed Chamber.

The *Lords of the King's Bed-Chamber*, whoſe Number has been varied at the Pleaſure of the reigning Sovereign, have a Salary of 1000*l.* each. The firſt in Rank of theſe Lords is called the *Groom of the Stole*, † who by

* The Salary of the Poet-Laureat is 100*l.* *per Annum*, of the Hiſtoriographer, 200*l.* *per Annum*, of the Painter 200*l.* *per Annum*, and of the Surveyor or Keeper of the Pictures 200*l.* *per Annum*,

† In his Gift are the Offices of Laundreſs, Sempſtreſs and Starcher of the Body-Linnen. The Laundreſs's Salary is 139*l.* *per Annum*, the others is 250*l.* *per Annum* each. He alſo appoints the Neceſſary Woman, who cleans his Majeſty private Lodgings, and finds it with all Neceſſaries. Her Salary is only 12*l.* 5*s.* *per Annum*.

his

his Office has the Honour to put on the King's firſt Garment or Shirt every Morning: a Service now performed by the Gentleman in waiting; theſe Gentlemen taking it in Turn alternately to attend in the King's Bed-chamber every Week, to wait on him, when he eats in private.

There are alſo *Gentlemen of the Privy-Chamber*. This was an Inſtitution by King *Henry* VII. as well for the Splendor of his Court, as to have near his Perſon a ſelect Number of Gentlemen of Condition. That King limitted their Number to forty-eight, and gave them the Title of *Honourable*. The chief end of this Inſtitution was to attend on the King and Queen at Court, in their Diverſions, Progreſſes, and on all other extraordinary Occaſions. Six of them are conſtanly appointed by the Lord-Chamberlain, with a Nobleman, and the Maſter of the Ceremonies, to accompany all foreign Miniſters from crowned Heads in their public Entries, and to their Audiences. They have often been deputed to repreſent the Lord-Chamberlain, and Vice-Chamberlain in their Abſence: Therefore King *James* I. ordered them to take Place next to the Lords of the Bed-Chamber; and in the Reign of a Sovereign Queen, next after the Vice-Chamberlain. Gentlemen of Privy Chamber.

At every Coronation two of theſe Gentlemen walk with ducal Crowns, in the Characters of the Dukes of *Aquitain* and *Normandy*. And as a Mark of the Royal Favour and Truſt repoſed in them, they are empowered to execute the King's verbal Commands without producing any Warrant or written Order; their Perſons and Characters being in themſelves ſufficient Authority. Thus when Cardinal *Woolſey* in the Reign of King *Henry* VIII. was arreſted for High Treaſon, by a Gentleman of the Privy-Chamber, he immediately ſubmitted, ſaying, "his Perſon was a ſufficient Warrant;" though at the ſame time he had refuſed to ſubmit to the Arreſt by a great Officer, who had produced an Order in Writing.

Theſe Gentlemen have no Salary, Fee, nor Perquiſite annexed to their Office. Twelve of them wait quarterly, at which Times they have a Table at Court; and they have Mourning allowed them out of the Ward-robe Privileges.

robe on the Death of a Sovereign. And they are exempt from ſerving the Office of Sheriff, and all other penal Offices in the Town and County where they reſide.

The uſual Way to be admitted to the King's Preſence is by one of theſe Gentlemen in waiting, who brings the Party to the Lord-Chamberlain or Vice-Chamberlain, to aſk the King's Leave; which being granted, he is introduced and preſented to his Majeſty. Theſe Gentlemen are appointed by the Lord-Chamberlain; and ought to be Perſons both of Fortune, and great Abilities, and approved Fidelity; two of them being admitted to lie at Night in the Privy-Chamber; and in the Abſence of the Groom of the Stole officiate for him.

Grooms. The *Grooms of the Bed-Chamber* are a ſet of Gentlemen that wait upon the King when he is dreſſing; and wait alſo at Dinner, take Wine, *&c.* from the under Servants, and give it to the Lords, to ſerve up to his Majeſty. And in the Abſence of the Gentlemen of the Bed-chamber, theſe are allowed to ſupply their Place, and wait two and two, by Turns, weekly. In the Gift of the King himſelf with a Salary of 500*l. per Annum* each.

Pages. *Pages of the Bed-Chamber.* Theſe were formerly called Pages of the Back-Stairs; becauſe they were appointed to attend without Doors at the Back-Stairs; but now they wait within the Bed-chamber, to ſupply the Grooms with every Thing neceſſary to dreſs the King. They have a Salary of 86*l. per Annum*, and 36*l.* 13*s.* 8*d.* allowed inſtead of a Livery, which they anciently wore. And beſides, they have a Share of the Fees of Honour, and ſeveral Perquiſites from Coals, Candles, Wood, *&c.* Theſe are in the Gift of the Groom of the Stole.

Other Officers. The other Officers are *Cup-bearers*, *Carvers*, and *Sewers*; four of each, with a Salary of 33*l.* 6*s.* 8*d.* each. Four *Gentlemen Uſhers* of the Privy Chamber, with a Salary of 200*l. per Annum* each. Four *Grooms* of the Privy Chamber, with a Salary of 73*l. per Annum* each. Four *Gentlemen Uſhers* or Daily Waiters with a Salary of 150*l. per Annum* each. And an *Aſſiſtant Gentleman Uſher* with a Salary of 66*l.* 13*s.* 4*d. per Annum*. Theſe have their Attendance aſſigned them in the Preſence-Chamber; and the firſt of the Uſhers has the conſiderable Poſt of *Black-Rod.*

Rod. He has alſo his Attendance in the Houſe of Lords, and is Uſher of the noble Order of the Garter. Uſher of the Black-Rod.

Theſe Gentlemen wait in the *Preſence-Chamber*, next to the King's Perſon, and order all Affairs next to the Lord-Chamberlain and Vice-Chamberlain; and all under Officers above Stairs are to obey them. They are appointed by the Lord-Chamberlain.

Under the Gentleman Uſhers there are eight others, who are called *Gentlemen Uſhers*, or *Quarter Waiters in ordinary*, with a Salary of 50*l.* *per Annum* each. A *Chamber-Keeper* with a Salary of 20*l.* *per Annum.* Eight *Sewers of the Great Chamber* with a Salary of 38*l.* 15*s.* 7*d.* *per Annum* each. Nine *Grooms*, or *Meſſengers of the Great Chamber*, with a Salary of 40*l.* *per Annum* each. Four *Pages of Preſence* with a Salary of 25*l.* *per Annum* each, who wait in the Privy-Chamber, and take care of the Fire and Candle, *&c.* Other Officers.

In this Department there are a great Number of other Officers, *viz.* Two *Coffer-Bearers* to ſee the Baggage loaded, *&c.* when the Court removes, with a Salary of 54*l.* 15*s.* *per Annum* each. A *Yeoman* for removing Wardrobes, whoſe Salary is 320*l.* *per Annum.* Two *Grooms* for Ditto, with a Salary of 130*l.* *per Annum* each. Four *Pages* with a Salary of 100*l.* *per Annum* each. A *Wardrobe-Keeper*, and an *Under-Houſe-Keeper* at St. *James*'s, with a Salary of 100*l.* *per Annum* each. Five *Standing Wardrobe-Keepers*, or Officers to take care of the Furniture in the King's other Palaces, one at *Windſor* at 160*l.* *per Annum*; one at *Hampton Court* at 230*l.* *per Annum*, and an *Under-Houſe-Keeper* at Ditto, with a Salary of 320*l.* *per Annum*; one at *Kenſington* at 400*l.* *per Annum*, and one at *White-hall*, at 200*l.* *per Annum*,

Here is alſo a *Maſter of the Robes*, who has the Management of all the Royal Robes, and the King's Wearing-Apparel, *&c.* his Salary is 500*l.* *per Annum*, and he has under him a Clerk of the Robes and Wardrobe-Keeper, a *Yeoman*, three *Grooms*, two *Waiters*, a *Page*, a *Bruſher*, and a *Meſſenger*, all in his own Gift. Maſter of the Robes.

The *Treaſurer of the King's Chamber* pays all his Majeſty's Family above Stairs, the Royal Chapel, the Yeoman of the Guards, Meſſengers, *&c.* and their travelling Charges, with the Money ſent him for thoſe Purpoſes, from the Lords of the Treaſury. It is a lucrative Treaſurer of King's Chamber.

Place,

Place, and of no Trouble or Fatigue. His Salary is no more than 314*l.* 1*s.* 4*d.* *per Annum.* But the Shilling in the Pound deducted from all Monies paid, makes a very large Augmentation. His Clerk, who does all the Buſineſs, is paid by the Treaſury: and the Comptroller in this Office, has a Salary of 150*l.* *per Annum.* This Office of *Maſter* is in the Gift of the King. The under Officers are appointed by the Maſter.

Jewel-Office. In the *Jewel-Office* there is a Maſter appointed by the King himſelf, with a Salary of 450*l.* *per Annum.* Under whom is a Yeoman at 106*l.* 15*s.* a Groom at 106*l.* 15*s.* and a Clerk at 13*l.* 6*s.* 8*d.* *per Ann.*

Maſter of Ceremonies. The *Maſter of the Ceremonies* is an Officer inſtituted by King *James* I. for the more honourable and ſolemn Reception of Ambaſſadors and Strangers of Quality, introduced into the Royal Preſence. His Diſtinction is a Gold Chain, with a Medal appendant, having on one Side an Emblem of Peace, with King *James*'s Motto, and on the Reverſe the Emblem of War, with *Dieu & mon droit.* His Salary is 300*l.* *per Annum*; his Aſſiſtant or Deputy, 6*s.* 8*d.* *per* Day, and his Marſhal 100*l.* *per Annum.*

Serjeant at Arms. Next to this Officer we rank the *Serjeant at Arms attending at Court.* They are called the *King's Serjeants at Arms*, to diſtinguiſh them from others, and are created with great Ceremony. For the Perſon to be created kneels before the King, and his Majeſty, laying the Mace on the Candidates Right-Shoulder, ſays, *Riſe up Serjeant at Arms, and Eſquire for ever.* There are eight of theſe Serjeants at 100*l.* Salary each, who hold their Places by Patent for Life. Their Duty is to attend four at a Time quarterly, and they are ſtationed in the Preſence Chamber, where the Gentlemen Penſioners wait; and when the King goes to Chapel, or to the Houſe of Lords, they carry the Mace before his Majeſty to the Door of each Place.

There are alſo four *Serjeants at Arms* created in the ſame Manner; one to attend the Houſe of Commons, with a Salary of 100*l.* *per Annum* each. Another to attend the Lord Chancellor: a third to attend the Lord Treaſurer: and the fourth to attend the City of *London*, who pay him 6*s.* 8*d.* *per* Day. All in the Gift of the Lord Chamberlain.

The

The *Lord-Chamberlain* has alſo the Appointment of a *Maſter of the Revels*, whoſe Buſineſs is to order all Things, that relate to the Performance of Theatrical Entertainments, and of Maſquerades and Balls at Court. His Salary is no more than 10*l. per Annum*; but his Perquiſites ariſing from licenſing Strollers, Puppet-ſhews, *&c.* make amends for its Smallneſs. He has under him an Officer called a *Yeoman*, with a Salary of 45*l. per Ann.* He likewiſe appoints the *Groom-Porter*, whoſe Salary is 550*l. per Annum.* The *Maſter of the Tennis Court*, at 130*l.* A *Knight Harbinger*, at 10*s. per* Day, to provide Lodgings, when the Court travels: *Watch* and *Clock-Maker* at 300*l. per Annum*, and all Sorts of Tradeſmen, Maſter of the Barges, with a Salary of 100*l.* and forty-eight Watermen at 3*l.* 6*s. per Annum*, beſides Badges, Coats, Shirts, Stockings, *&c.* Forty *Meſſengers in ordinary*, who have 45*l. per Annum* each, and travelling Charges, beſides the Advantages made by State Priſoners, for each of which confined in a Meſſenger's Houſe, the Government pays 6*s.* 8*d. per* Day. A *Meſſenger* of the *Preſs*, at 60*l. per Annum*, to ſearch Printing Houſes upon Information upon Oath, for treaſonable or ſeditious Papers, *&c.* printing therein. Maſter of the Revels.

He alſo appoints twenty-four Muſicians, the Maſter with a Salary of 200*l. per Annum*; the other with 40*l.* each *per Annum*; two *Phyſicians in ordinary* at 300*l. per annum* each: two *Apothecaries* to the Perſon, at 320*l. per annum* each; an *Apothecary* to the Houſhold at 160*l. per annum*; two *Serjeant Surgeons* at 396*l.* each *per ann.* Surgeon for the Houſhold at 280*l.* A *Houſe-keeper* at *Whitehall*, at 650*l. per annum*; at *Windſor-Caſtle*, at 320*l. per annum*; at *Newmarket* at 200*l. per annum*; of the Palace of *Weſtminſter*, at 6*s.* 8*d. per* Day; at *Kenſington* and *Hampton-Court*. Other Officers.

But the King appoints the Warden, Chief Juſtice, and Juſtice in *Eyre* of all his Foreſts, Chaces, Parks, and Warrens: Of whom there is one for the North-ſide of *Trent*, and another for the South-ſide of *Trent*. The *Chief Juſtice in Eyre* hath Power and Authority to determine Offences committed in the King's Foreſts, *&c.* which are not to be determined by any other Court of Juſtice, except ſuch as are appointed by ſpecial Commiſſion to aſſiſt him in his Office. His Court, frequently called Chief Juſtice in Eyre.

called the Juſtice-ſeat of the Foreſt, is not held but every third Year. Nor are the Proceedings of that kind in the *Wood-moot*, or other like Courts, of any Moment till the Offences are laid before the *Juſtice in Eyre*, who has the ſole Power to give Judgment, aſſeſs Fines, *&c.* And if the Treſpaſſes in the Foreſt be laid before any other Court, the Party is allowed to traverſe.

King's Chapel.

The Officers of his Majeſty's *Royal Chapel*, are a *Lord Almoner*, who is generally a Biſhop, and enjoys thereby

Lord Almoner.

200*l. per Annum.* His Office is to diſpoſe of the King's Alms: and for that Purpoſe he receives, beſides other Money allowed by the King, all *Deodands*, or Goods and Chattles forfeited by being the Cauſe of any one's Death; and all Goods of a *Felo de ſe*, to be appropriated to that End. By ancient Cuſtom he had the Privilege to give the firſt Diſh from the Royal Table to whatſoever Poor he pleaſed; or, inſtead thereof, an Alms in Money. He has the Charge of ſeveral poor Penſioners to the Crown below Stairs, conſiſting of ſuch as are ſuperannuated in the King's Service, or the Widows of ſuch Houſhold Servants as died Poor, and were not able to provide for their Wives and Children; whom he pays daily. He

Sub-Almoner.

appoints a *Sub-Almoner* with a Salary of 97*l.* 11*s.* 3*d. per Annum*; a *Yeoman* at 50*l. per Annum*; and a *Groom* at 40*l. per Annum.*

Dean of the Chapel.

The *Dean* hath the Government of the King's Chapel, and the appointing all the Officers thereunto belonging, *viz.* a *Sub-Dean*, and *twenty-ſix Gentlemen* of the Chapel. The Dean himſelf is appointed by the King, and as ſuch acknowledges no Superior but the Sovereign: for as the King's Palace is exempt from all temporal Juriſdiction, ſo is his Chapel from all ſpiritual; not being within the Dioceſe of any Biſhop; but as a Royal peculiar Exempt, and reſerved to the Viſitation and immediate Government of the King.

Clerk of the Cloſet.

The King alſo appoints a Clerk of the Cloſet, or his Confeſſor, who is uſually a Biſhop, and whoſe Office is to attend at the King's Right-hand during divine Service, to reſolve ſuch Doubts, as may ariſe in ſpiritual Matters; but chiefly to wait on his Majeſty in his private Oratory or Cloſet, and to ſay Grace when his Majeſty eats. He has the Appointment of two under Clerks, and a Cloſet-Keeper.

But

But the Lord-Chamberlain appoints and regulates the King's Chaplains. They are forty-eight in all: of whom *four* every Month give their Attendance to preach in the Royal Chapel on *Sundays* and Feſtivals, in the Morning before the Houſhold: to read divine Service twice a Day in the King's private Oratory, and to ſay Grace before the King, in the Abſence of the Clerk of the Cloſet. They have no Salary; but are provided with a Table during their Month of Attendance, and are deemed in the Road of Preferment to a Biſhoprick or a Deanry. When there happens five *Sundays* in the Month, the Lord Chamberlain appoints a Preacher. Chaplains.

There are thirty-two *Gentlemen of the Chapel*; twelve of whom are Prieſts: the other twenty are called Clerks of the Chapel, who aſſiſt in the Performance of Divine Service, each of the thirty-two have a Salary of 73*l. per annum*. One of the Prieſts is ſtiled the Confeſſor of the Houſhold, whoſe Office is to read Prayers every Morning to the Houſhold Servants, to viſit the Sick, examine and prepare Communicants, and to adminiſter the Sacraments: and another is choſen *Firſt Organiſt*, with a Salary of 73*l.* more, who teaches the Boys Muſic and what elſe s neceſſary for the Service of the Chapel: another is choſen *Second Organiſt* with the like Salary: another a *Luteniſt* with 40*l.* 10*s.* per *annum*; and another a *Violiſt*, at 40*l. per annum*. Gentlemen of the Chapel.

There are likewiſe three *Vergers*, Officers ſo called from the Silver Rods they carry in their Hands, diſtinguiſhed by the Names of the *Serjeant* of the *Veſtry*, at 73*l. per annum*; *Yeoman* of the *Veſtry*, at 54*l.* 15*s. per annum*; and a *Groom* of the *Veſtry*, at 51*l.* 12*s.* 6*d. per annum*. Other Officers.

To theſe may be added the *Organ-Blower*, at 20*l. per annum*; *Bell-ringer* at 15*l. per annum*; and ten Children brought up for the Service of the Chapel: for whoſe Board the firſt Organiſt has 24*l.* with each Boy; and 40*l. per annum*, to teach them Muſic.

The next Department at Court is that under the *Maſter of the Horſe*, who is the third great Officer in the King's Houſhold. To him is committed the Charge and Management of all Matters relating to the King's Stables. His Salary is 800*l. per Annum*; and his Power extends over the Equerries and all other Officers and Tradeſ- Maſter of the Horſe.

men employed in the King's Stables. He anciently had the Charge of the *Posts* all over *England*. And now he has the Charge of the Revenues appointed for the Service and Maintenance of the King's Horses, for the Expence of the Stables, for Coaches and Carriages of all Sorts: He has the Privilege of making use of the King's Horses, Pages, Coaches, Arms and Liveries. And when he has the Honour to attend his Majesty in a solemn Cavalcade, he rides next the King, and leads a Sumpter-Horse of State.

Gentlemen of the Horse.

In this Department the next Officer is the *Gentleman of the Horse*, who is the first Equerry, and presides in the King's Stables, in the Absence of the Master of the Horse. His Salary is 256*l. per annum*. There are also an *Avener*, or Clerk-Martial, with a Salary of 260*l. per annum*; six *Equeries*, with 300*l. per annum* each; two *Equeries* of the *Stable*, with 256*l. per annum* each; four *Pages* of *Honour*, with 260*l. per annum* each; a *Governor* of the Pages, with 100*l. per annum*; a *Surveyor* of the *Highways*, with 82*l. per annum*; a *Serjeant* of the *Carriages*, with 86*l. per annum*; a *Surveyor* of the *Stables*, with 120*l. per annum*; two *Yeoman Riders*, with 130*l. per annum* each; twelve *Footmen* at 53*l. per annum* each; five *Coachmen* at 65*l. per annum* each; four *Chairmen* at 42*l. per annum* each; thirteen *Grooms* at 60*l. per annum* each; and a great many other Servants, and Tradesmen, concerned in the King's Stables. Where *note*, that the principal Officers, down to the Pages of Honour, are put in by Warrants from the King; but, for the most Part, on the Recommendation of the Master of the Horse. The rest of the Officers, *&c.* are entirely in his own Gift, and appointed by his own Warrant.

We come now to the *Military* Department in the King's Houshold, which is composed of the *Band of Gentlemen Pensioners*, the *Yeomen of the Guards*, and the *Troops of the Houshold*.

Gentlemen Pensioners.

The Band of *Gentlemen Pensioners* were first instituted by King *Henry* VII. for the greater Splendor of his Court, being designed as a Guard to his Person: for which Reason they have their Posts of waiting assigned them in the Presence Chamber. Their principal Duty, at present, is to attend the King to and from Chapel; whom they receive either in the Presence-Chamber, or

at

at the Door of the Privy-Lodgings, lining each Side of the Room in Ranks, with their Battle-Axes, their ancient Weapons. They are *forty* in Number, and, by their original Inſtitution, are obliged to keep three double Horſes or Servants, who are, as well as themſelves, to have proper Arms. They wait half at a Time quarterly, or ought ſo to do: but their full Corps are to attend on *Chriſtmas-Day*, *Eaſter-Sunday*, St. *George*'s Day, and *All-Saints*, the Coronation Days, and ſome other extraordinary Days, under the Penalty of the Cheque. At a Coronation they carry up the King's Dinner. Their *Captain*, whoſe Salary is 1000*l.* *per Annum*, is always a Nobleman, who has under him a *Lieutenant*, at 500*l.* *per annum*; a *Standard-Bearer* at 310*l.* *per annum*; and *Clerk* of the Cheque, at 120*l.* *per annum*; a *Secretary*, *Pay-Maſter*, and *Harbinger*, whoſe Office is to provide Lodgings for the Gentlemen Penſioners, and to aſſiſt the Clerk of the Cheque, when abſent, as his Deputy.

Yeomen of the Guard.

The *Yeomen of the Guard of the King's Body*, was a Corps inſtituted by *Henry* VIII. by way of Addition to the Guard of Gentlemen Penſioners, and were picked out of the moſt faithful and loyal Part of the Yeomanry, and none leſs than ſix Feet high. But this Part of their Inſtitution is not ſtrictly adhered to. They at preſent cut a very droll Figure in their Cloaths, faſhioned after the Mode of King *Henry* VIII. *viz.* a ſcarlet Coat of a particular make, down to the Knees, guarded with black Velvet, and Badges on the Coat before and behind: Scarlet Breeches guarded with black Velvet; round and broad crowned Velvet Caps with Ribbons of the King's Colour, inſtead of Hats. Their Number at preſent is a hundred in daily waiting, and ſeventy off Duty; ſo, as any of the hundred die, their Places are filled out of the ſeventy. Forty of them wait by Day, and twenty watch by Night with Partizans and large Swords by their Sides. When the King goes abroad, either by Land or Water, they attend his Perſon: and when his Majeſty is at Dinner, they bring up the Diſhes and deliver them to the Sewers. Their Officers are a Captain, whoſe Salary is 1000*l.* *per annum*; a *Lieutenant*, at 800*l.* *per annum*; an *Enſign*, at 300*l.* *per annum*; a *Clerk* of the *Cheque* and four *Corporals*, at 150*l.* *per annum* each; eight Uſhers, under whom the Yeomen are

divided in Turns of Waiting, who have 49*l.* 11*s.* 3*d.* *per annum* each; and there are ſix Yeoman Hangers, and two Yeoman Bed-goers, who have the ſame Salary, as the Uſher. Two Chamber-Keepers at 9*l.* 2*s.* 6*d.* *per Annum* each: and each of the hundred Yeomen has 39*l.* 11*s.* 3*d.* *per annum*;

Life Guards Horſe.

Theſe were the Shifts, and the Men made Uſe of by our Kings in former Times, before they could get the Parliament into the Humour to allow them to keep up a ſtanding Military Force, which was *introduced* by King *Charles* II. under the Name of his *Life Guards*. Theſe Guards of the King's Body conſiſt of four Troops of one hundred and ſixty private Gentlemen each, well mounted, armed, and equipped. The firſt is called the *King's Troop*: the fourth is called the *Scots Troop*: the other two take the Name of their reſpective Captains. Each of theſe Troops is divided into four Squadrons; two of which, commanded by one principal commiſſioned Officer, two Brigadiers, and two Sub-Brigadiers, mount the Guard, with two Trumpets, and are relieved in their Turns. When the King goes abroad, and not far from home, a Party of theſe Guards attend his Perſon. And to theſe Horſe-Guards there belong two Troops of

Horſe Grenadiers.

Horſe-Grenadiers, of one hundred and forty-five private Gentlemen each: a Diviſion of which always mounts guard with a Squadron of the Troop to which they belong. Each Troop of the Horſe-Guard is commanded in chief by a Captain, under whom are two Lieutenants, one Cornet, one Guidon, four Exempts, or Exons, four Brigadiers, and four Sub-Brigadiers; who rank in this Manner: The Captains command as eldeſt Colonels of Horſe; the Lieutenants as eldeſt Lieutenant-Colonels of Horſe; the Cornets and Guidons, as eldeſt Majors of Horſe; the Exons, as youngeſt Captains; the Brigadiers as eldeſt Lieutenants. Amongſt themſelves every Officer precedes according to the Date of his Commiſſion, when on Detachments: But when the four Troops march with their Colours, the Officer of the eldeſt Troop, though his Commiſſion be not of the eldeſt Date, commands in chief.

The Captain's Pay of the firſt Troop of Guards is 1*l.* 10*s.* a Day; the other three Captains have only 20*s.* a Day each; the Lieutenants have 15*s.* The Cornet

of

of the first Troop has 14*s.* a Day; of the other three only 13*s.* a Day; the Guidon has 12*s.* the Exempt 9*s.* The Brigadier of the first Troop has 7*s.* a Day; the other three have only 6*s.* a Day each; the Sub-Brigadier's Pay is no more than that of a private Gentleman, 4*s.* a Day. The Chaplain has 6*s.* 8*d.* the Surgeon 6*s.* and 2*s.* for his Chest *per* Day. And the Trumpets and Kettle-Drums each 5*s.* a Day. As to the Horse-Grenadiers: the Colonel's Pay is 15*s.* the Lieutenant-Colonel's 12*s.* the Major's 9*s.* the Captain's 8*s.* the Guidon's 6*s.* the Corporal's 3*s.* the Hautboys, Drummers, and private Grenadier's 2*s.* 6*d.* each *per* Day.

There are also two Regiments of Foot-Guards distinguished by the Names of *The King's Regiment*, and the *Cold-Stream Regiment*. The *King's* consists of twenty-eight Companies, each of sixty private Men: the *Cold-Stream* of fifteen Companies, each of seventy Men. Each of these is commanded by Foot.

	s.	*d.*	
A Colonel, whose Pay is - -	12		*per* Day.
A Lieutenant Colonel - - -	9		
A Major - - - - - - - -	6		
A Captain - - - -	5		
A Lieutenant - - -	4		
An Ensign - - - -	3		
A Serjeant - - - -	1	6	
A Coporal - - - -	1		
The private Men have - -	10		*per* Day.

In point of Precedency, the Colonels of the Regiments of Foot-Guards, take Place of all other Colonels of Foot.

Of the MEASURES *to support the* STATE *and* GOVERNMENT, *or of the* PUBLIC REVENUE.

HAVING given the State of the Strength, Grandeur and Government of the Kingdom and Court of *England*, we shall now shew how they are supported and maintained.

The Measures taken for these Purposes are by certain *perpetual* Impositions or Parliamentary Aids; and by certain *temporary* and *occasional* Taxes imposed by Parliament annually, or to expire in a certain Number of Years.

Public Revenue.

These together are deemed the *public Revenue*; and as the Word *Revenue* in its ordinary Acceptation, imports a yearly Rent, or Profits arising to a Person from his Lands, Possessions, Estate, *&c.* so the *public Revenue* of this Kingdom is the yearly Income or Sums raised, at present, by the Authority of Parliament for the Support of the State and Government of the Nation.

How provided by William the Conqueror, &c.

The Manner of providing this Revenue has varied very much in this Kingdom, since the Conquest by *William* the *Norman*. That King, looking upon all the Land and Treasure of the Nation as his own, divided and distributed them, in such a Manner, amongst his *Norman* Adventurers, as seemed best to enslave the native *English*, and to secure the Crown to himself and Posterity. He caused an exact Survey to be made of all the Lands: by which he knew distinctly every Acre of Arable, Meadow, Pasture, Wood, Common, Marsh, and other Sorts of Land, which he taxed according to their Value. He also taxed all Towns, Cities, Boroughs, and Villages in like Manner: and, besides many other arbitrary Extortions, he singled out the monied Men, and squeezed them without Mercy. His immediate Successors copied his Example in this Particular, with several aggravating Circumstances. *William* II. spared no Manner of Rapine and Simony to raise Money from his Subjects. *Henry* I. succeeded his Brother *William* in the Fulness of the Sovereign Prerogative to fleece his Subjects. *Stephen* raised all Monies by plundering and robbing. *Henry* II. imposed many grievous Taxes by the sole Act of his Power. *Richard* I. out-did all his

By Richard I.

Predecessors in the Methods of raising Money, which he continued to do in an arbitrary despotic Manner, and by the Sale of the County of *Durham* to the Bishop, and by resuming all his Grants. The following Kings, indeed, put on a more legal Appearance, and pretended to raise the Revenue by Parliament; but their continual Exactions and violent Extortions, besides the Taxes granted by the House, convince us, that they still looked upon

upon the Property of their Subjects, with the ſame arbitrary Eye, as *William* the *Conqueror* had done, and that they were reſolved to take that by Force, which they were not intitled to by Law. And, though the State changed Maſters ſeveral Times, before it became ſettled in the Perſon of King *Henry* VII. it appears in our moſt authentic Hiſtories, that there was no Change but from one Tyrant to another, all equally ready diſpoſed and lying wait to oppreſs their Subjects by arbitrary Impoſitions and Exactions.

By Henry VII.

It was expected that King *Henry* VII. would have ruled this Nation and People in a more conſtitutional Manner: but having nothing to fear from abroad, and no Competitor at home, and being exceſſively avaricious, he practiſed every Act of Oppreſſion, by putting the penal Laws in Execution, and thereby raiſed an immenſe Sum of Money, beſides parliamentary Subſidies, and other Impoſitions granted for the Support of the State.

And Henry VIII.

Henry VIII. beſides the conſiderable Grants made him by Parliament, added the prodigious Sum of 150,000*l. per annum* to the Revenues of the Crown, by the Ruin of religious Houſes, and ſuperſtitious Foundations; and ſtill retained ſo much of the old Prerogative of his ancient Predeceſſors on the Throne, that what he wanted, and could not otherwiſe drain from his Subjects in a conſtitutional way, he ſcrupled not, nor heſitated, to compel them to ſupply him with it under the Names of Benevolence, Loans, *&c.*

By King Edward VI.

Edward the Sixth's Reign did not in the leaſt relieve the Subject: for, though the ruling Power took as much as could be got from the Churches, left unſpoiled by King *Henry* VIII. the Kingdom ſaved nothing by it, the Taxes being laid every Year during King *Edward*'s Life; and thoſe very heavy and oppreſſive. He had a parliamentary Grant of one Shilling in the Pound for three Years on the Goods of his natural born Subjects, and two Shillings in the Pound of Strangers. He had three Pence granted on every Ewe, and two Pence on every Wether kept in Paſture; and one Penny on every Sheep kept on the Common. He had eight Pence in the Pound on all Woollen Cloth for three Years. He had alſo a Subſidy, and two fifteenths. He had Tonnage and Poundage for Life: and beſides, in this ſhort Reign, he had ſix Fifteenths from the Laity,

and three Subſidies from both Clergy and Laity. To explain the real Value of all theſe Grants, it will be proper to obſerve, That the Tonnage was three Shillings upon every Ton of Wine, and three Shillings more upon every Ton of ſweet Wine: and twelve Pence upon every Aulne of *Rheniſh* Wine. The Poundage was twelve Pence in the Pound upon all Goods imported or exported: and twelve Pence in the Pound more to be paid by Merchants Aliens for all Tin and Pewter by them exported. The Subſidy from Wool was thirty-three Shillings and four Pence on every Sack of Wool: and thirty-three Shillings and four Pence for every two hundred and forty Wool-fells, and three Pounds ſix Shillings and eight Pence for every Sack of Wool, and two hundred and forty Wool-fells exported by Strangers; and three Pounds thirteen Shillings and four Pence for every Laſt of Hides and backs. The Subſidy granted by the Clergy in the 2 *Edward* VI. was ſix Shillings in the Pound, according to the Valuation of every ſpiritual Promotion. The Subſidy granted in 3 *Edward* VI. by the Laity was twelve Pence in the Pound upon all Money, Goods, Cattle, *&c.* of every Perſon worth ten Pounds, to continue three Years; and twelve Pence of every Alien worth twenty Shillings, and under ten Pounds.

By Queen Mary. Queen *Mary* did not give up any Claim to the Revenue of her Predeceſſor. And beſides Tonnage and Poundage, the Parliament indulged her with an Increaſe of their Liberality. The Clergy of the Province of *Canterbury* granted her a Subſidy of two Shillings in the Pound upon their Livings and Preferments for four Years. And the Parliament granted another Subſidy of two Shillings and eight Pence in the Pound on all Perſons ſpiritual and temporal worth five Pounds; and five Shillings and four Pence on Aliens; and again four Shillings on all Lands and Effects of Natives, and eight Shillings in the Pound upon Aliens.

By Queen Elizabeth. The Money raiſed in the Reign of Queen *Elizabeth* was much after the ſame Manner; but her Revenue was augmented by inveſting the firſt Fruits and Tenths in the Crown. The Parliament granted at one Time two Shillings and eight Pence in the Pound upon moveable Goods, and four Shillings on Land. She gleaned all the Remains of the Religious Houſes, and beſides many large Subſidies

Subsidies and fifteenths both from the Clergy and Laity, she had a Tax laid upon every Parish for the Relief of the poor, and sick, and of wounded and maimed Soldiers.

King *James* I. in order to increase his Revenue, not content with the many liberal Grants made by Parliament, had Recourse to raise Money by borrowing from the wealthy Citizens of *London*: by farming out the Customs of all Goods imported and exported; by severe Prosecutions and Fines in the Star-Chamber; by instituting the Order of Baronets for certain Sums of Money; by levying an Aid to make his eldest Son a Knight, and by demanding a Benevolence from all his Subjects in *England*. By King James I.

King *Charles* I. trode in the Ways of his Father *James*, and improved his Scheme of Knighthood, by obliging all that were possessed of a Knight's Fee to take upon them the Order of Knighthood, or to pay a fine for avoiding it. And he raised Ship-Money, without consent of Parliament; and committed many other illegal Acts to raise Money: which brought on a Civil War, and provoked the People to take up Arms against a Government, that paid no regard to the Liberty and Property of the Subject. But, what did the Nation get by the Change from a Monarchy to a Common-wealth? This will be seen by the following Abstract of the Money raised in *England* by the *Long Parliament*, &c. from *November* 3, 1640 to *November* 1659. By King Charles I. By the long Parliament.

	l.	*s.*	*d.*	
Subsidies	600,000	0	0	Pay.
The Armies	32,780,721	13	0	
Tonnage and Poundage	5,700,000	0	0	
Captives	102,000	0	0	
Sales of *Irish* Lands	1,320,500	0	0	
Contributions for *Irish* Protestants	180,000	0	0	
Forces for particular Counties	4,141,088	8	0	
Excises	10,200,000	0	0	
Duty on Coals	850,000	0	0	
Duty on Currants	51,000	0	0	
Sequestrations of Estates	6,044,924	17	9	
Postage of Letters	301,000	0	0	
Wine Licences	312,200	0	0	
	62,583,234	18	9	

	l.	*s.*	*d.*
Brought over	62,583,234	18	0
Compoſition for the Court of Wards	1,000,000	0	0
Offices to public Service - -	850,000	0	0
Vintners Delinquency - - -	4,000	0	0
Compoſitions for Eſtates - -	4,277,226	0	0
Sale of *Engliſh* Lands - -	25,380,687	3	11½
Settled out of Gentlemens Eſtates to pay Prince *Palatine* - -	85,000	0	0
Compound with *Iriſh* Delinquents	1,000,000	0	0
Charge of Juſtice ſix Years -	1,200,000	0	0
To the Houſe of Commons fourteen Years comes to - -	754,472	0	0
Free Gifts to the Saints, *viz.* in Money - - - - -	679,800	0	0
In Offices - -	306,110	0	0
In Eſtates *per Ann.*	189,365	0	0
	98,309,895	1	11½

Which Sum, compared with the Value of Money of late Years, does not amount to leſs than 200,000,000*l.* Sterling, to enable the Powers in being to ſubvert the Conſtitution in Church and State, and to enſlave the Nation.

By King Charles II.

King *Charles* II. after the Reſtoration, beſides the ſeveral Grants of an exciſe upon Beer, Ale, *&c.* of a Poll-Tax; of a Land-Tax; *&c.* added to the Tonnage and Poundage and Subſidies, as uſual in former Reigns, ſold his Fee-Farm-Rent; and augmented the Revenue with the Eſtabliſhment of a Poſt-Office.

By King James II.

King *James* II's. firſt Care was to get the ſame Revenue ſettled on himſelf for Life, which had been ſettled on his Brother *Charles* II. for his Life. And prevailed with the Parliament to lay ſeveral new Impoſitions on Wine, Vinegar, Tobacco, and Sugar, imported, and on all *French* and *Eaſt India* Linnens, *&c.*

Remarks.

We are now at the glorious Epocha, when the Nation, no longer able to bear the Encroachments of the Crown, called in the Prince and Princeſs of *Orange* to their Aſſiſtance, and were, by a happy *Revolution*, delivered from Ruin. And whoever ſeriouſly reflects upon the Premiſes, muſt confeſs that this Nation had been pillaged by her Sovereigns at their Pleaſure, and that the People

People enjoyed neither civil, nor religious Liberty till the Revolution. Their whole Property was either at the Mercy of Princes, or of Prieſts, or both. The public Revenue was raiſed in an arbitrary and oppreſſive Manner, and what the civil Power could not wreſt from the Nation, the eccleſiaſtical did, as might eaſily be proved, were it neceſſary in this Work.

From the *Revolution* only we may date the Eſtabliſhment and the Enjoyment of our Rights and Liberties. From that *Æra* our Property is ſecured under the Guardianſhip of our own Repreſentatives. No Tax can be impoſed, no Duty laid, no Exciſe levied, no Money raiſed for the Crown, without the Sanction of Parliament, nor can any Set of People, or Part of the Nation, be loaded with a Burthen, which does not extend to every Part thereof, to bear their reſpective Share in it. And under his preſent Majeſty King *George* III. we are at length arrived to that Point of Certainty, in regard to the Diſpoſal of the public Money, however raiſed, that the Crown is content with the Yearly Income of 800,000*l.* And whatever more ariſes from the Parliamentary Impoſitions, it is placed in the Hands of ſuch Officers under the Crown, as are anſwerable for its Application to the Purpoſes, directed by Parliament, for the public Good. Since the Revolution. At preſent.

The Offices and Officers concerned in the public Revenue, are the *Lords of the Treaſury*, the Officers of the Receipt of his *Majeſty's Exchequer*. Under whom are the *Cuſtom-Houſe*, the *Exciſe-Office*, the *Stamp-Office*, *Wine-Licence-Office*, *General-Poſt-Office*, *Salt-Office*, *Hawkers* and *Pedlars-Office*, *Hackney-Coaches* and *Chairs*, and *Commiſſioners of Taxes*. Offices and Officers.

The TREASURY.

The Office of the *Lords of the Treaſury* is already deſcribed on Page 349, under the Name of the *Lord High Treaſurer*, whoſe Office is now in Commiſſion. The Treaſury.

The EXCHEQUER.

The *Receipt of the Exchequer* * is the Place where the Revenue is received and diſburſed; whoſe principal Of- Exchequer.

* See the Court of Exchequer on Page 283.

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ficers are the Lord Treaſurer, a Secretary of the Treaſury, a Chancellor of the Exchequer, two Chamberlains of the Exchequer, an Auditor of the Receipts of the Exchequer, four Tellers, a Clerk of the Pells, an Uſher of the Receipt, a Tally-Cutter, *&c.*

Its Uſe. This Office of the Exchequer is the great Check upon all the other Offices, which relate to the public Revenue. All the Receipts and Payments, which paſs through the various Channels of the Revenue, and Parliamentary Impoſitions of every ſort, ultimately terminate here: and the Monies are iſſued from hence, and applied to the ſeveral Articles or Uſes, ordinary and extraordinary, to which they are appropriated by the Authority of Parliament. Which Checks are ſo various and ſo ſtrict, upon each other, among the ſeveral Officers appointed for the Management and Regulations of the Exchequer, that it is ſcarce poſſible for any Frauds whatever to be carried on, without being detected. See the Statute 1 *William* and *Mary*, Seſſ. 2. Cap. 2. Sect. 52 to 59, incluſive. And 12 *William* III. Cap. 11. Sect. 27. 9 *William* III. Cap. 44. 1 *George* I. Cap. 12. 8 & 9 *William* III. Cap. 28. Sect. 1. to 27 incluſive, 7 *George* II. Cap. 6. Sect. 2--5. 8 *George* II. Cap. 12. Sect. 4. 31--40.

It is to the well-regulating and good Management of this Office, we may aſcribe the great Credit of the Nation. By this we preſerve the public Faith: without which no People can ſubſiſt, and with it every Nation will flouriſh.

The Custom House, Duties, *and* Office.

Cuſtoms, what. According to the ancient Acceptation of the Word Cuſtoms in *England*, it was the principal Tribute paid to our Kings, upon the Exportation and Importation of Merchandizes croſſing the Ocean; and diſtinguiſhed by Cuſtoms, and Prizes, or Prizage. Cuſtoms were the Duty payable upon native Commodities exported, particularly Wool, Wool-fells, and Leather, after certain Rates, the which were raiſed or lowered at the King's Pleaſure, or as Occaſion required. But according to the preſent Acceptation of the Word *Cuſtoms*, it ſignifies the ſeveral Duties impoſed by Parliament, and are payable on the Importation, as well as Exportation, of all Goods and Merchandizes whatſoever; levied and collected according

cording to the Act of Tonnage and Poundage, referring to a Book of Rates of Merchandize, *&c.* eſtabliſhed ſoon after the Reſtoration of King *Charles* II. Upon which Model there have been formed, and granted by ſubſequent Acts of Parliament for the defraying public Expences, ordinary and extraordinary, ſeveral additional Subſidies, Impoſitions and new Duties: which being levied and collected after the Manner of the aforeſaid Act, upon the Importation and Exportation of ſeveral ſorts of Goods and Merchandizes, are uſually comprehended under the general Title of *Cuſtoms*. Where it is worthy of Obſervation, That we are now delivered from thoſe arbitrary Impoſitions frequently laid upon Goods by King *Edward* I. *Edward* II. *Edward* III. Queen *Mary* I. Queen *Elizabeth*, King *James* I. and King *Charles* I. Who, by virtue of their Prerogatives only, collected ſeveral occaſional or temporary Impoſitions, after different Rates, upon Wines, and ſeveral other Goods imported; and upon Wool, Cloths, and ſeveral other Goods exported: which they cauſed to be levied by only ſending their Writs to the Collectors of the Cuſtoms in every Port. This ſhews the Difference of Times, in regard to the Liberties of the People of *England*, before and ſince the Revolution: Before we find the Prince claimed a Right to their Purſes without controul, as it were; but ſince that happy *Æra*, the Parliament controuls the Purſe of our Princes.

Their Benefit to the Subject.

Upon theſe Principles the Cuſtom-Houſe was eſtabliſhed; and all Merchants and others, that import or export any Goods or Merchandize, muſt paſs thro' this Houſe or Office, at their Peril: for whoſe Encouragement and Advancement of Trade, and for regulating them in making due Entries, and juſt Payments of their Cuſtoms, and for regulating the Officers in the faithful Diſcharge of their Duty, there are annexed to the *Book of Rates*, certain Rules, Orders, Directions, and Allowances too long to be inſerted in this Work.

This great public Office of the Revenue is fixed in *London*: under which there are ſeveral other Cuſtom-Houſes in the Ports of *England*: and is managed by Commiſſioners nominated by the Treaſurer, and appointed by Patent under the Great-Seal. They have the whole Care, in this Kingdom, of raiſing the ſeveral Branches of the Revenues

Where eſtabliſhed.

Under Commiſſioners.

venues on Goods imported and exported, (which is computed at the Rate of 1,700,000*l. per Annum)* and of putting the Laws in Execution againſt illegal Trade. They have Power to diſmiſs any of the Officers in their Department, and acting by their Deputations; but cannot appoint any Officers without a Warrant from the Treaſury, impowering them to iſſue their Deputation. Their Salary is 1000*l. per Annum* each.

Their Salary.

Officers in the Houſe.

Under them is a principal Secretary, with a Salary of 890*l. per Annum* for himſelf and Clerks. A Secretary for the Plantations and Weſtern Ports, and another for the Northern Ports; whoſe Buſineſs is to read all Letters to the Board, receive their Directions thereon, and prepare Anſwers for the Commiſſioners ſigning: A *Solicitor*, who carries on all Proſecutions for the Crown, and the Officers, on Breaches of the Laws of the Cuſtoms, and gives his Advice and Opinion to the Commiſſioners in all Matters of Law: A *Receiver-General*, who pays and accounts to the Exchequer weekly for all the Monies or Revenues of the Cuſtoms in *England* and *Scotland* remitted to him: A *Comptroller* of the Iſſues and Payments of the Receiver-General, to whom he is conſtituted an immediate Check: a *Comptroller-General*, who receives the Accounts of all Collectors and Accomptants to the Crown, under the Direction of the Commiſſioners of the Cuſtoms, whereby he is a Check on them all: and after ſtating their Accounts, and receiving proper Vouchers, he paſſes them through the Auditor's Office of the Impreſt, and depoſits them in the Exchequer: An *Inſpector* of the *Out-Port*-Collectors Accounts, who examines all the Vouchers from the Collectors in the Out-Ports, before they are delivered to the Comptroller-General, and certifies all the Collectors Incidents before they are allowed: An *Inſpector-General* of the Exports and Imports, who enters the Account of all Goods imported and exported, with their Prime Coſts, in a Ledger; from which he frames an Accompt, Debtor and Creditor, and by that Means can tell how the Balance of Trade ſtands with every Country: A *Regiſter-General* of all Ships belonging to *Great-Britain*, who keeps an Account of the Voyages of all Ships trading to *Great-Britain*, and is a particular Check on all coaſting Veſſels, that they do import all Goods into one Port, they carried from

from another, and no more: Two *Surveyors-General*, whoſe Buſineſs is to examine all Entries, to ſee that they be rightly computed: A *Surveyor of the Out-Ports*, who does the ſame for the Out-ports, by having the Quarter-Books ſent to him: A *Regiſter of Seizures*, who enters all Writs of Appraiſement of Goods proſecuted, before they are proclaimed in the Exchequer: An *Inſpector of the Proſecutions*, to ſee there be no Colluſion, but that Proſecutions be duely carried on: *Surveyor-General of the Riding* Officers on the Coaſts of *Kent* and *Suſſex*, who is to ſuperintend the riding Officers appointed to prevent the Exportation of Wool. He is to ſurvey them twice a Year, and report their Behaviour to the Commiſſioners of the Cuſtoms.

For inward and outward Buſineſs.

Beſides theſe are certain principal Officers ſerving both in the *Inward* and *Outward* Buſineſs in the Port of *London*, *viz.* A Comptroller upon all the Collectors in the Port of *London*: Four *Examiners* of the Out-Port Books, to ſee that the Duties be rightly computed: A *Surveyor*, who attends the Board by his Deputy, along with the Patent-Officers, and is a Check upon the Collectors: A *Comptroller*, who comptrouls the Duties on Cloth and Petty Cuſtoms both Inwards and Outwards: A *Viewer* and *Examiner* of *Tobacco*, both Inwards and Outwards; without whom no Allowance can be made for Damages on Tobacco.

Inward Officers.

INWARDS; there is a *Collector*, who collects all the Duties Inwards, but the Petty-Cuſtoms: A *Regiſter*, who enters all Warrants in a Parchment-Book, which is returned into the Exchequer: And a *Cuſtomer* who collects the Branch of the Revenue under the Head of Petty-Cuſtoms.

Outward Officers.

OUTWARDS; There are *two Collectors*, who collect all Duties outwards, except on Wool and Leather: A *Cuſtomer* of the great Duty of Wool and Leather exported: A *Comptroller* of the great Cuſtoms on Wool and Leather, *&c.* A *Chief Searcher*, *ten* other *Searchers*, and a *Surveyor* of the *Searchers*; whoſe Duty is to take off all Cocquets for Goods ſhipped outwards; to examine them before ſhipped; and to certify the ſame on the Back of the Cocquet: a *Regiſter* of the Certificate Cocquets; by which he can examine the Debentures, which are made out for the Goods exported on thoſe Cocquets, to prevent Frauds: A *Warehouſe Surveyor*, who is a Check on all Officers in the

the Warehouſe, to ſee that Goods be regularly diſcharged: A *Warehouſe-keeper* for the *Commiſſioners* to keep an Accounpt along with the Collector's Deputy, to be a Check on him, (the Collector in every Port being, by Law, Warehouſe-Keeper, he appoints a Deputy particularly for that Buſineſs, who enters in a Book all Goods brought in, and how they are diſcharged:) A *Surveyor of the Act* of *Navigation*, who boards all Ships coming into the River, to ſee they be navigated according to Law. *Two Inſpectors* of the *River*, whoſe Duty is to ſee that the Tide-Surveyors, Tideſmen, and all Water Officers do their Duties. The *Uſher* of the Cuſtom-Houſe, who has Power to adminiſter Oaths, and has two Pence for every Oath he adminiſters at the Bench. *Three Jerquers*, whoſe Office is to examine all the Land-waiters Books. *Nine Land-Surveyors*, who are to ſee that the Land-waiters perform their Duties, and to view all Goods before any Allowance can be made for Damage. *Tide-Surveyors*, who place Tideſmen on board a Ship, and take care that they perform their Duty: A *Land-Carriage-Surveyor*, to ſee that the Land-Carriage Officers attend their reſpective Stations. A *Coaſt Surveyor*, to examine into the Conduct of the Coaſt-Waiters. *Surveyor* of the *Wine-Taſters*, to ſee that the Wine-Taſters do their Duty. A great Number of *King's-Waiters*, and *Land-Waiters* to take Account of Goods imported. A *Preventive-Officer*, who is to look out upon the River to prevent Frauds; above five hundred *Tide-waiters*, *Tideſ-Men*, and *Supernumeraries* or *Preferable-Men*; and *Noon-Tenders*, who watch the Goods on the ſeveral Quays and Wharfs at Dinner time.

Reſtrained. Cuſtom-Houſe Officers, of what Degree ſoever, are laid under certain Reſtraints. They are not to have any Ship of their own, nor may they uſe Merchandize, Factorage, nor keep a Tavern, *&c.* They are prohibited to trade in any exciſeable Liquors or Commodities, on Pain of fifty Pounds. They forfeit one hundred Pounds if they take a Bribe; and five hundred Pounds if they make a Colluſive Seizure, *&c.*

Duty of Exciſe. The next conſiderable Branch of the Revenue is that of the *Exciſe*; which is a certain Duty or Parliamentary Impoſt charged upon Liquors, as Beer, Ale, Cyder, *&c.*

&c. Malt, and ſeveral other Commodities within the Kingdom of *England*, and Town of *Berwick* upon *Tweed*.

The Duty of Exciſe was firſt granted to King *Charles* II. by Act of Parliament in the Year 1660, during the Life of that Monarch. 1. It was fifteen Pence *per* Barrel upon every Barrel of Beer or Ale above ſix Shillings the Barrel, and three Pence *per* Barrel for every Barrel of ſix Shillings or under, brewed for Retail; fifteen Pence for every Hogſhead of Cyder or Perry ſold by Retail, one Penny for every Gallon of ſtrong Water, Aqua Vitæ, *&c.* 2. A new Exciſe was granted for ever by the fifth Money-Act of *William* and *Mary*, being for every Barrel of Beer or Ale above ſix Shillings the Barrel, nine Pence; and for every Barrel of ſix Shillings or under, three Pence; for every Hogſhead of Cyder or Perry, one Shilling *per* Hogſhead. In this Exciſe, the Price of the Liquor is to be reckoned excluſive of the Duty. 3. An Exciſe was granted of ſix Pence a Buſhel on Malt in the Reign of King *William*, which by ſubſequent Statutes has been continued yearly ever ſince. But ſuch Malt as ſhall be made for Exportation, and be ſo entered and kept ſeparate from other Malt, is exempted from the Payment of this duty. 4. Another new Exciſe upon home-made Liquors was granted in Queen *Anne*'s Reign; being an additional Exciſe upon every Barrel of Beer or Ale brewed for Sale above ſix Shillings the Barrel, three Pence, excluſive of the Duties; and for every Barrel at ſix Shillings or under, one Penny; for every Hogſhead of Cyder or Perry, five Pence; for every Gallon of ſtrong Waters or Aqua Vitæ, one Penny. This Exciſe was not laid upon any ſuch Liquors imported. 5. An Exciſe on Candles was firſt granted in the Reign of Queen *Anne*, and continued for ever, being a Duty of four Pence a Pound on Wax, and a Half-penny the Pound on Tallow-Candles, made in *Great-Britain* for Sale or not for Sale; but Makers for their own Uſe may compound for one Shilling a Head for every Perſon in their Family. An additional Exciſe on Candles was afterwards granted, being the ſame with the former in every Reſpect. 6. An Exciſe upon Hides and Skins tanned in *Britain*, firſt granted in Queen *Anne*'s Reign, was an Exciſe of ſeventeen different Kinds, upon ſo many different Kinds of Hides and Skins

When eſtabliſhed.

Skins particularly named, and upon all others not named, thirteen Pounds *per Cent. ad valorem.* An additional Exciſe was afterwards granted, being an additional Duty of different Kinds, upon ſo many different ſorts of Hides and Skins particularly named, and all others not named, fifteen Pounds *per Cent.* on the Value. 7. An Exciſe on home-made Vellum and Parchment, firſt granted by the ſame Act, being one Shilling *per* Dozen on Vellum, and ſix Pence the Dozen on Parchment. And afterwards an additional Exciſe on Vellum, *&c.* was granted, being an additional Duty of two Shillings the Dozen on Vellum, and one Shilling the Dozen on Parchment. 8. An Exciſe on Hops of home growth was firſt granted in Queen *Anne*'s Reign, being one Penny *per* Pound. 9. An Exciſe on Paper, Paſte-board, Milled-boards, and Scale-boards, was firſt granted in the Reign of Queen *Anne*, being a Duty of eleven different kinds on ſo many different ſorts of Paper particularly named, made in *Great Britain*; on Paſte-boards, *&c.* three Shillings the hundred Weight, and on all ſorts of Paper not named, twelve Pounds *per Cent.* on the Value. An addition Duty on Paper, *&c.* was granted of eleven different Kinds, *&c.* on Paſte-board one Shilling and ſix Pence the hundred Weight, and on all Sorts of Paper not named, ſix Pounds *per Cent.* on the Value; and on painted Paper for Hangings, a Half-penny the Yard ſquare. 10. An Exciſe of one Penny *per* Pound on Soap made in *Great Britain*, was granted by the ſame Act; to which an additional Exciſe has been added of a Half-penny *per* Pound. 11. An Exciſe upon printed Silks, Callicoes, Linnens and Stuffs made in *Great Britain*, and printed, painted, ſtained or dyed here, was firſt granted in Queen *Anne*'s Reign, being a Duty of three Pence on Silks and Callicoes, and one Penny Halfpenny on Linnen and Stuffs the Yard ſquare, excepting Silk Handkerchiefs, Linnens and Fuſtians dyed of one Colour, and Stuffs made of Woollen, of the greateſt Part in value of Woollen. And an additional Exciſe was granted of ſix Pence the Yard of Half-yard broad Silks; one Penny the Yard ſquare of Silk-Handkerchiefs; three Pence the Yard ſquare of Callicoes, and one Penny Halfpenny the Yard ſquare of Linnens and Stuffs, excepting, as before, Callicoes, *&c.* dyed of one Colour, and woollen Stuffs. 12. An Exciſe

Exciſe on Starch was firſt granted for 1 *d.* the pound, and afterwards an additional Exciſe of 1*d.* the pound. 13. The Exciſe on Gilt and Silver Wire made in *Great Britain*, is 8*d.* the Ounce; and 6*d.* the Ounce on Silver Wire.

If any Brewers do not make true entries of their Liquors brewed, once a week, at the *Exciſe-Office*, they forfeit 10*l.* but this is ſubject to mitigation, ſo as not to be leſs than double the duty; and the Retailers of Beer and Ale, and ſtrong Waters, neglecting to make their entries once a month, of what Liquors they retail, are liable to 40*s.* penalty. In caſe any Brewer erects or alters any Back, Copper, Cooler, &c. or keeps a private Storehouſe; or if any Malſter keeps any private Veſſel for ſteeping Barley, without giving proper notice to the Officers of Exciſe, ſuch Brewer or Maltſter forfeits 50*l.* and where they bribe a Gauger, it is 10*l.* more. The Officers of Exciſe may go on board Ships, and ſearch for any exciſeable Liquors, as Officers of the Cuſtoms do, and ſeize commodities forfeited, &c. Brewery.

Caſes relating to the Buſineſs of the *Cuſtoms*. Every Merchant ſhall have free liberty to break Bulk in any Port allowed by Law, and to pay Cuſtom for no more than he ſhall enter, and land, provided the Maſter or Purſer firſt make a declaration upon oath, before any two principal Officers of the Port, of the true contents of the Ship's lading, and ſhall after declare upon oath, before the Cuſtomer, Collector, &c. or any two of them, the quantity and quality of the goods landed at the other Port, where bulk was firſt broken, and to whom they did belong. Cuſtom-houſe Caſes, of breaking Bulk.

All foreign goods (except Wines, Currants, and wrought Silks) firſt imported, ſhall be again exported by any *Engliſh* Merchant within twelve months, and thoſe exporting ſuch goods ſhall have allowance, and be repaid by the Officer that received the ſame, one Moiety of the Subſidy that was paid at firſt, on due proof, made by Certificate, of the due Entry, &c. after all which duly performed, the Moiety firſt paid inwards ſhall, without delay, be repaid; as alſo the whole additional Duty on Silk, Linnen and Tobacco. Drawback on foreign Goods exported.

Every Merchant that ſhall ſhip or export Currants, formerly entered, ſhall be allowed thoſe Subſidies paid inwards, except 1*s.* 6*d.* for every *Cwt.* to the *Engliſh*, Relating to Currants.

and 1 *s.* 8 *d.* ½ to the Stranger, upon proof being made; and he may, within one year, export any foreign goods imported, without further Duty.

Leakage of Wines. Twelve *per cent.* is allowed for Leakage of Wines duly entered.

Every hogſhead of Wine that ſhall be run out, and not full by ſeven inches, ſhall be accounted for *Outs*, and pay no Subſidy; and if Wines appear corrupt and unſaleable, the Owner ſhall be abated in the Subſidy according to his damage, at the diſcretion of the Collector and one of the principal Officers.

Damaged Wines.

Damaged Goods. Goods imported, receiving damage by ſalt water, or otherwiſe, ſo as to prejudice the Sale, the Damage being aſcertained by two indifferent Merchants, there ſhall an Abatement in the Duty be made accordingly.

Tobacco. By 12 *Ann. c.* 8. § 8. There is no allowance for damaged Tobacco; but on refuſal of the Duties, the Tobacco is to be burned.

Penalty on Officers. Officers refuſing to attend at the lading and unlading of goods, at the times and places as the Law directs, forfeit 5 *l.* for every default.

Bounties on Cloths, &c. And by his Majeſty's gracious benignity, the Merchants of *York*, *Hull*, and *Newcaſtle upon Tyne*, are allowed two Cloths and Kerſeys in ten, free of Cuſtom; and the Merchants of *Exeter*, and other Weſtern Parts, are allowed one Perpetuana in ten, and three *Devon* dozens in twenty, when ſhipp'd out of *Exeter*, *Plymouth*, *Dartmouth*, *Barnſtaple*, *Lyme Regis*, and the member Ports thereof, Cuſtom free; and all Merchants tranſporting any ſort of Woollen, whether new or old Drapery, as alſo all Bays and Cottons, ſhall be allowed one in ten for a wrapper, Cuſtom free.

Every Merchant ſhall be allowed, on all other goods liable to Poundage, five in the hundred of all the ſaid Subſidies of Poundage.

Duty of Officers. The Officers who ſit above in the Cuſtom-Houſe of *London*, ſhall attend there from nine to twelve in the Forenoon, and one Officer in the Afternoon, during ſuch time as the Officers are to wait at the Water-ſide, for the better deciding all controverſies that may happen concerning Merchants warrants. All other Officers ſhall attend in the Cuſtom-Houſe of every reſpective Port, from nine to twelve, and from two to four o'clock.

Every

Every Merchant making Entry, inwards or outwards, shall be dispatched in order as he comes. Way of Dispatch.

The Officer at *Gravesend* not to detain any Ship outward bound above three Tides, under pain of losing his Office, and rendering damage to the Merchant, or Owner; nor shall the Officers of the Out-ports detain any outward-bound Ship above one Tide, if laden and ready to set sail, on like penalty: But they have a right to search outward-bound Ships, having a reasonable cause. May not detain Ships. Right to search.

If any Officer, or Clerk of any Custom-House, shall exact greater Fees than are established by Parliament, he shall forfeit his Office.

If the Importer pay ready money, he shall be allowed ten *per cent.* for what he shall pay down. Importer allowed 10l per cent.

Remarks on the *Excise*. This method of raising Money by the Government is hateful to the People of *England*, becaufe it muft be laid upon things growing, in a great meafure, in our own Country, which will undoubtedly hinder the confumption; for the dearer any things are, the lefs will the People buy them, and the more they will reduce their Families, that they may live cheap. Remarks on the Excise.

The Policy of our Anceftors tended to encourage the Confumption of all Home Commodities; which muft be allowed to be the true Intereft of the Nation. A General Excife would go directly againft this maxim. In former times, the Gentry and Nobility of *England* lived altogether in the Country, where they continually fpent the Product of the Land: Now they all flock to *London*, where their way of living is quite different from that ufed heretofore, and they do not expend, in proportion, the third part of things of our Product, to what they did when they lived among their Neighbours and Tenants. Obfervations on the Excife.

The Yeomen, or Gentlemen of fmaller Eftates, are now, generally fpeaking, the only conftant Refidents in the Country. If an Excife fhould come to raife the price of all things, how can thefe Men maintain their Families? And if they put them off, or diminifh them, who fhall fpend the Growth of the Lands?

It is evident this Tax, by way of *Excife*, will fall very hard, every where, upon the poor induftrious Farmer; and thofe who are beft able to pay it, will be moft fpared.

But the argument of moſt weight appears to be this :— The Safety of the Nation depends upon the Liberty of Elections of Members of Parliament. But the Exciſemen go a great way in many Corporations and parliamentary Boroughs, by their intereſt in Inns and Alehouſes, in influencing the Elections of Parliament-men. What then could be expected, ſhould the Exciſe be extended, or become more general.

Let no man be miſled by a pretence of Convenience, or diſburdening his Land by this way of taxing: All theſe are miſtaken, deluſive arguments; and though they were not ſo, though all the conveniences in the world were to be found in the method of taxing by Exciſe, yet the ſingle conſideration of what the Nation hazards, in giving a Revenue that probably will never be diſcontinued, and the Dangers to which the Liberties of the Kingdom will be expoſed, if ever the Crown become rich enough to govern without Parliaments, is abundantly ſufficient to over-balance all that can be alledged to the contrary, from Topics of preſent Eaſe, or private Intereſt.

The Conſtitution of this Nation is our Happineſs: Let any Inconveniencies be ſubmitted to rather than *that* be brought into Danger. We ſtand upon the Point of a Needle: The Revenue of the Crown is ſo very high already, that one Remove more does our Buſineſs. *England* can never be undone, but by its own Conſent: Have a care therefore of giving that fatal Conſent, by doing any thing that ſhall make the Crown independent of the Subject, and Parliaments unneceſſary.

There can be no need of many words to perſuade the People of this Nation, that there is no Price too great for *Liberty* in general, nor for the *Conſtitution*, with which they are bleſſed, in particular; and it is not enough to preſerve it from internal Corruption, but that it muſt alſo be defended from external Violence; which never can be done, if we do not maintain the Balance of commercial and maritime Power; and it muſt be acknowledged, that this cannot be done without Money to be raiſed by Taxes from time to time. But then it is alſo neceſſary that Taxes ſhould be laid ſo as to prove the leaſt injurious to the Conſtitution, and leaſt detrimental to our Commerce, and in the moſt eaſy and agreeable manner to the general

Senſe

Senſe of the People without Doors; for if they be willing and ready to pay the Aggregate of whatever ſhall be abſolutely requiſite for the ſupport of the Eſtabliſhment, and for the true intereſt and glory of the Kingdom, it does not ſeem any ways unreaſonable, that ſuch a condeſcenſion ſhould be paid to the general Voice of the People, as to permit them to pay thoſe Taxes in ſuch a Shape as may be moſt pleaſing to them, and will preſerve them in the beſt diſpoſition, good humour, and attachment to that Government and Conſtitution, which they are willing to ſupport.

Office. Commiſſioners.

The principal *Exciſe Office* is in *London*, under the management of certain Commiſſioners, who are, by the Royal Patent, conſtituted Governors and Managers of his Majeſty's Revenues ariſing by the Duties of Exciſe upon Beer, Ale, Malt, Candles, Hops, Soap, Paper, Wire, Starch, Hides, &c. for which they are paid 1000*l. per Ann.* each, with power to put in, and to turn out, Officers employed in their Department. They are alſo entruſted to try all offences committed in *London*, and within the Bills of Mortality, without a Jury, and to paſs Judgment thereon; which power, in other places, is committed to two Juſtices of the Peace.

Juriſdiction.

Their Officers.

Theſe Commiſſioners account for all the Revenues they receive yearly, and have under them a *Secretary*, two *Caſhiers*, a *Comptroller*, an *Auditor*, a *Regiſter*, twelve *Accomptants General*, and a multitude of inferior Officers employed in *London*, and all over the Nation, in ſuch numbers that they bear a conſiderable ſway in all Elections, where the Miniſtry find it their Intereſt to oppoſe and to keep out a Candidate.

Of the Stamp-Office Revenue.

Stamp Duty.

The Revenue ariſing by *Stamps* is a ſingular Example, from what little Beginnings a Miniſtry may extend their Power and increaſe the Revenue, and with what eaſe Taxes or Duties might be levied, both in regard to the Convenience of the Subject and the Expence in collecting them; for this branch of the Revenue, which originally conſiſted of certain Impoſitions, laid on all Parchment and Paper, on which all Deeds, Grants or other Inſtruments,

ments, or any Proceſs in Law or Equity are ingroſſed or written, and which at firſt were granted from 40*s.* for Letters Patent, &c. to 6*d.* for uſual Deeds, and 1*d.* for Declarations, Pleadings, &c. have been in general trebled: And the Stamp Duties now extend to Almanacs, Newspapers, Pamphlets, Cards and Dice, which, together, are computed to produce upwards of 1,200,000*l. per Ann.* collected without either expence or trouble to the Crown, or that diſagreeable method of multiplying Officers, as done in the Cuſtoms and Exciſe, in each of which great ſums are melted away, before the public Money reaches the *Exchequer*, in maintaining a number of inferior Officers, that amount to as much as would ſupport a ſtanding Army: for this lucrative branch of the Revenue is managed in *London*, by ſix *Commiſſioners*, at 400*l. per Ann.* each, a *Secretary* at 300*l.* a *Receiver-General* at 500*l.* a *Comptroller* at 300*l* an *Accomptant-General* at 100*l.* and a *Solicitor*, with Clerks, Stampers, and ſome inferior Officers.

Of the WINE-OFFICE Revenue.

Wine-Office. The *Wine Office* is managed by five *Commiſſioners*, a *Comptroller*, a *Secretary*, a *Caſhier*, a *Solicitor*, two *Clerks*, and five *Meſſengers*. The Revenue of this Office ariſes from Licences, which of late years amounts to near 40*s.* each, to ſell Wine by retail. Something of this ſort was attempted by the Miniſtry of King *Edward* VI. juſt before that Monarch's death; but it was not ſettled upon its preſent Eſtabliſhment till the 12 *Charles* II. when that King was empowered by Parliament to appoint Commiſſioners for Wine-Licences, and aſſigned them *ſix Pence* in the Pound of the Revenue ariſing by the ſaid Act, in lieu of Salaries. This Revenue is duly to be paid into the *Exchequer*, and not to be charged with any Penſion. This Office is now kept in *Lincoln's Inn*, and makes part of the Stamp-office.

Of the POST-OFFICE Revenue.

Poſt-Office. The *Poſtage of Letters* is a much more conſiderable Branch of the Revenue, than that laſt mentioned.

A TABLE *of the* RATES *of* POSTAGE.

In GREAT-BRITAIN *and* IRELAND.

From any Poſt-Office in *Great-Britain* or *Ireland*, to any place not exceeding one Stage from ſuch Office, a ſingle Letter, 1 *d.*

ENGLAND.

Between any Poſt-Office in *England*, and any place above one, and not exceeding two Stages from ſuch Office, and not paſſing through *London*, 2 *d.*

Between any Poſt-Office and any place not exceeding the diſtance of eighty Engliſh miles, and not paſſing through *London*, 3 *d.*

Between any Poſt-Office and any place above the diſtance of eighty Engliſh miles, and not paſſing through *London*, 4 *d.*

SCOTLAND.

Between *London* and *Edinburgh*, *Dumfries*, or *Cockburnſpeth*, 6 *d.*

Between any Poſt-Office in *Scotland* and any place in the ſame kingdom, above the diſtance of one Stage, and not exceeding fifty Engliſh miles, and not paſſing through *Edinburgh*, 2 *d.*

Between any Poſt-Office in *Scotland* and any place in the ſame kingdom, above fifty, and not exceeding eighty Engliſh miles, and not paſſing through *Edinburgh*, 3 *d.*

Between any Poſt-Office in *Scotland* and any place in the ſame kingdom, above the diſtance of eighty Engliſh miles, and not paſſing through *Edinburgh*, 4 *d.*

Between *Port Patrick* in *Scotland*, and *Donaghadee* in *Ireland*, by Packet-boats, over and above all other Rates, 2 *d.*

IRELAND.

Between *London* and *Dublin*, by way of *Holyhead*, 6 *d.*

Between *London* and *Donaghadee*, by way of *Carliſle* and *Port Patrick*, 10 *d.*

Between any Poſt-Office in *Ireland* and any place in the ſame kingdom, above the diſtance of one Stage, and not exceeding forty Engliſh miles, and not paſſing through *Dublin*, 2 *d.*

Between any Poſt-Office in *Ireland* and any place in the ſame kingdom, above the diſtance of forty Engliſh miles, and not paſſing through *Dublin*, 4 *d.*

ISLE *of* MAN.

Between *Great-Britain* and the *Iſle of Man*, by Packet-boats, over and above all other Rates, 2 *d.*

PENNY-POST.

For the port of every Letter or Packet, paſſing or re-paſſing within the Cities of *London* or *Weſtminſter*, the Borough of *Southwark*, and their Suburbs, (which Letter or Packet is not to exceed the weight of four ounces, unleſs coming from or paſſing to the General Poſt,) 1 *d.* upon putting in the ſame, as alſo 1 *d.* upon the Delivery of ſuch as are directed to any place beyond the ſaid Cities, Borough, or Suburbs, within the diſtrict of the Penny-Poſt delivery.

SHIP LETTERS.

For the port of every Letter or Packet of Letters, in any part of his Majeſty's dominions, directed to, or coming from, on board any Ship, over and above the Rates before-mentioned, 1 *d.*

For every Letter or Packet coming from on Ship-board for the Town where landed, or the Delivery thereof 1 *d.* with the 1 *d.* paid to the Maſter, Mariner, or Paſſenger, bringing the ſame, being for every ſuch Letter or Packet, 2 *d.*

The Britiſh Dominions in AMERICA, *including his Majeſty's Iſlands in the* WEST-INDIES.

For Letters conveyed by Packet-boats, between *London* and any Port of the *Britiſh* Dominions in *America*, or his Majeſty's *Weſt-India Iſlands*, 1 *s.*

For Letters conveyed by Packet-boats from any Port in the *Britiſh* Dominions in *America*, or the *Weſt-Indies*, to any other Port within the ſame Dominions, 4 *d.*

For the inland conveyance of Letters in the ſaid Dominions, between any Office and any Place not exceeding ſixty Engliſh miles, and not paſſing through a chief Office, 4 *d.*

For any diſtance above ſixty Engliſh miles, and not exceeding one hundred miles, and not paſſing through a chief Office, 6 *d.*

For

For any distance above one hundred, and not exceeding two hundred English miles, and not passing through a chief Office, 8*d*.

And so in proportion, the Postage increasing 2*d*. a single Letter for any distance above every hundred miles.

FOREIGN LETTERS.

Letters from *London* to any part of *Holland*, *France*, or *Flanders*, (or to the Town of *Geneva* in *Switzerland*, through *France*) pay no foreign Postage.

From any part of *Holland*, *France* or *Flanders*, to *London*, 10*d*.

Between *London* and any part of *Spain* or *Portugal*, through *France*, or by *Lisbon*, 1*s*. 6*d*.

Between *London* and any part of *Italy*, *Sicily*, *Turkey*, *Switzerland*, *Alsace* and *Minorca*, through *France*, (except to *Geneva*) 1*s*. 3*d*.

Between *London* and any part of *Italy*, *Sicily*, *Turkey*, *Germany*, *Switzerland*, *Denmark*, *Sweden*, *Russia*, and all parts of the North, through *Holland* or *Flanders*, 1*s*.

The Postage of Letters to or from any part whatsoever of his Majesty's Dominions in *Europe* or *America*, (except to *Gibraltar* and *Port-Mahon*) may, or may not, be paid at the time of putting them into any Post-Office, at the option of the Writer.

Letters and Packets from any part of *Great-Britain*, *Ireland*, or *America*, for any of the places under the title, *Foreign Letters*, before-mentioned, beyond the Seas, not in his Majesty's Dominions, are, besides the said foreign Rates they may be chargeable with, to pay at the Office where they are put in, the full port to *London*, without which they cannot be forwarded; therefore, *All persons are to take particular Notice thereof, to prevent the necessity of their Letters being opened, and returned for the Postage.*

All Merchants Accounts, not exceeding one Sheet of Paper, and all Bills of Exchange, Invoices, and Bills of Lading, to or from any parts or places, not within his Majesty's Dominions; and the Covers of Letters to or from *Turkey*, not exceeding one quarter of a Sheet of Paper, are allowed to pass without payment of the foreign Postage, but are to pay the full inland Port to and from *London*.

All

All double, treble, and other Letters and Packets whatever, (except by the Penny-poſt) pay in proportion to the reſpective Rates of ſingle Letters before ſpecified. Packets chargeable by Weight pay after the Rate of four ſingle Letters for every Ounce Weight and upwards.

Letters to all parts of *Europe* are diſpatched from *London* every *Tueſday* and *Friday*, except thoſe to *Portugal*, which are forwarded by the *Liſbon* Mails on *Tueſdays* only.

Letters to all parts of his Majeſty's Dominions in *America* are diſpatched from *London* the firſt *Wedneſday* in every Month.

A Daily-Post.

On the 10th of *October*, 1769, his Majeſty's Poſtmaſter-General eſtabliſhed a Daily Poſt, *Sunday* excepted, to and from this Office and the following Towns, and the places in their reſpective Diſtricts:

Abingdon, Alresford, Annan, Applebly, Aſhburton, Attleborough.

Banbury, Barnard's-Caſtle, Barnet, Barnſley, Bath, Bawtry, Beccles, Beaconsfield, Bewdley, Biggleſwade, Birmingham, Biceſter, Bocking, Bradford *in* Yorkſhire, Braintree, Bridgwater, Brighelmſtone *(from Midſummer to Michaelmas)*, Briſtol, Bromley *(from Midſummer to Michaelmas)*, Brough, Burntwood, Burroughbridge, Bury St. Edmond's, Burnham *in* Norfolk, Burſelem.

Cambridge, Campden, Canterbury, Carliſle, Caxton, Chatham, Chelmsford, Cheſterfield, Cheſter, Chipping-Norton, Chorley *in* Lancaſhire, Cirenceſter, Claremont, Clay, Cobham, Cockermouth, Colcheſter, Colſterworth, Coventry, Croydon.

Darking, Darlington, Dartford, Daventry, Deal, Derby, Dereham, Donaghadee, Doncaſter, Dover, Dumfries, Dunſtable, Durham.

Eaſt-Grinſtead, Endfield, Enſtone, Epſom, Eſher, Exeter.

Fairford, Fakenham, Farnham, Farringdon, Ferrybridge, Feverſham, Foot's-Cray.

Garſtang, Gerrard's-Croſs, Glouceſter, Godalmin, Godſtone, Grantham, Graveſend, Guildford.

Hales Owen, Hallifax, Halſted, Hampton *in* Glouceſterſhire, Harwich, Haſlemere, Hatfield, Hertford, Hereford, Hitchin, Holkham, Holt, Holyhead, Howden, Hull, Huntingdon, Huthersfield, Ingate-

Ingateſtone, Ipſwich, Ireland *(by* Holyhead *and* Port Patrick), Iſleworth.

Kelvedon, Kendal, Keſwick, Kidderminſter, Kingſton.

Lancaſter, Leatherhead, Ledbury, Leeds, Leiceſter, Lewes, Liverpool, Loughborough, Loweſtoff, Lynn.

Maidſtone, Mancheſter, Manningtree, Mansfield, Margate *(from Midſummer to Michaelmas)*, Market Harborough, Marlow, Middlewich.

Namptwich, Newark, Newcaſtle upon Tyne, Newcaſtle under Line, Newmarket, Newport-Pagnel, Northallerton, Northampton, Nottingham, Northwich, Norwich.

Oakingham, Oxford.

Penrith, Petersfield, Plymouth, Plympton, Portſmouth, Preſcot, Preſton.

Queenborough.

Ramſgate *(from Midſummer to Michaelmas)*, Rawcliffe, Reading, Retford, Ripley, Rochdale, Rocheſter, Rotherham, Royſton, Rumford, Rumſey, Ryegate.

Sandwich, Saxmundham, Sevenoake *(from Midſummer to Michaelmas)*, St. Alban's, Sheffield, Shipſton upon Stower, Shiffnal, Shrewſbury, Sittingbourn, Southall, Southampton, Stafford, Stevenage, Stilton, Stoke *in* Norfolk, Stone, Stourbridge, Stamford, Staines, Stratford on Avon, Stroud *in* Glouceſterſhire, Sudbury.

Tadcaſter, Taunton, Tedbury, Tetſworth, Thame, Thetford, Thorne, Tiverton, Tunbridge *(from Midſummer to Michaelmas)*, Tuxford.

Uckfield, Uxbridge.

Wakefield, Walſall, Walſingham, Ware, Warrington, Warwick, Watford, Watton *in* Norfolk, Wells *in* Somerſet, Wells *in* Norfolk, Wellington *in* Somerſet, Welwyn, Wetherby, Whitehaven, Wigan, Wight Iſle of, Wincheſter, Windham *in* Norfolk, Windſor, Wingham *in* Kent, Wiſbich, Witham *in* Eſſex, Wolverhampton, Worceſter, Workſop, Workington, Wooburn, Woodſtock, Wycombe High, Wycombe Weſt.

Yarmouth *in* Norfolk, York.

A Mail is diſpatched from *London* to *Edinburgh*, and from *Edinburgh* to *London*, every day, *Wedneſday* and *Sunday* excepted: Alſo to and from *Morpeth*, *Alnwick*, *Belford*, and *Berwick*. A Poſt is likewiſe eſtabliſhed ſix times

times a Week between *Edinburgh* and *Aberdeen*, *Glaſgow*, *Greenock*, and other intermediate Towns in *Scotland*.

Letters are ſent from hence on *Mondays*, *Tueſdays*, *Thurſdays* and *Saturdays*, for *Arundel*, *Brightheliſtone*, *Chicheſter*, *Midhurſt*, *Petworth*, *Steyning*, *Shoreham*, *Wiſbich*, *Grays*, and *Newport* in *Shropſhire*, and return hither on *Mondays*, *Wedneſdays*, *Thurſdays* and *Saturdays*. Likewiſe on *Tueſdays*, *Wedneſdays*, *Thurſdays* and *Saturdays*, to the *Devizes*, *Melkſham*, *Trowbridge*, and *Bradford* in *Wilts*, and return hither on *Mondays*, *Wedneſdays*, *Fridays* and *Saturdays*.*

Of the SALT-OFFICE Revenue.

Salt-Office.

The Duty on *Salt* was granted to the Crown in the 9th *William* III. and was at firſt under the Management of the Commiſſioners of Exciſe; but this Revenue encreaſing much beyond Expectation by the great Number of Salt-Works erected in divers Parts of the Nation, it was found neceſſary to ſeparate them, and to put the *Salt-Duty* under five Commiſſioners, at 500*l. per Ann.* each. And under theſe Commiſſioners are a *Treaſurer*, who has 450*l. per Ann.* for himſelf and three *Clerks*; a *Comptroller*, who has 350*l.* a Year, with a *Deputy* and two *Clerks*; a *Comptroller*'s *Secretary*, who has 200*l.* a Year, and an *Aſſiſtant*; an *Accomptant-General*, who has 200*l.* a Year, and his *Clerk* with 40*l.* a Year; a *Correſpondent*, who has 100*l.* a Year, and his *Clerk* with 60*l.* a Year; a *Chief Accomptant* and *Clerk of Securities*, who has 180*l.* a Year; two *Accomptants*, who have 70*l.* a Year each; a *Clerk* with 60*l.* and another with 40*l.* a Year; a *Collector* of the Port of *London*, who has 60*l.* an *Aſſiſtant Searcher* 60*l.* and two *Surveyors*, who have 40*l.* a Year each; beſides a *Houſe-keeper* at 100*l. per Annum*; and ſeveral other Servants.

Of the HAWKERS *and* PEDLARS Office.

Hawkers and Pedlars Office.

The Duty for Licenſing *Hawkers* and *Pedlars*, † and *Petty Chapmen* was firſt given in the 9th and 10th of King *William* III. to pay the Tranſport Service for the Reduction of *Ireland*, which Sum amounted to

* See p. 111. Vol. I. and p. 21. Vol. III.

† Such as go up and down the Country on Foot, or on Horſe-back with Packs, *&c.* to ſell Goods by Retail.

330,769*l.*

330,769*l.* 10*s.* 7*d.* and this Sum to be yearly raiſed hereby was 6000*l.* neat in the following Manner, *viz.* every Hawker travelling on Foot to pay 4*l.* *per Ann.* and with Horſe, Aſs, or Mule, 8*l.* *per Ann.* half to be paid down, and Bond to be given for the other Moiety to be paid in ſix Months; or 2*s.* *per* Pound allowed for prompt Payment.

Every Hawker is to certify, when he takes out his Licence, in what Manner he will Trade. And the Penalty of Hawking without Licence is 12*l.* one Half to the Informer, the other to the Poor of the Pariſh, where ſuch Diſcovery ſhall be made. If any one ſo trading, ſhall, on demand made, refuſe to ſhew his Licence to a Juſtice of the Peace, Conſtable, &c. he ſhall forfeit 5*l.* to the Church-Warden of the Pariſh, where ſuch Demand is made, for the Uſe of the Poor. And Perſons forging a Licence, and travelling with ſuch, ſhall forfeit 50*l.* one half to the King, and the other to the Proſecutor. Any Perſon may ſeize and detain ſuch Hawker for the producing of his Licence, 'till he can notify the ſame to a Conſtable, *&c.* And the Penalty to be levied on a Hawker, *&c.* by a Juſtice of Peace's Warrant, ſhall be by Diſtreſs of Goods; the Overplus to be returned after Charges deducted. And if any Perſon lend a Licence to hire, the Lender or the Trader ſhall forfeit 40*l.* one Moiety to the King, and the other to the Informer, to be recovered by Action of Debt, Information, *&c.* and the Lender ſhall alſo forfeit the Licence. But this Act does not extend to Sellers of Acts of Parliament, licenſed Almanacks, Fairs ſelling Goods therein, Fiſh, Fruit, Gazettes, Markets ſelling Goods therein, Forms of Prayer, Paper licenſed, Proclamations, and Victuals; nor to Traders in the linen and woollen Manufactures, who ſelling their Goods at Fairs and Markets, are not to be deemed Hawkers; neither are the Makers and Sellers of *Engliſh* Bone-lace going from Houſe to Houſe, *&c.* to be deemed Hawkers. Nor does it hinder ſuch Perſons, as are the real Workers of Goods, within the Realm of *England*, Dominion of *Wales* or *Berwick* upon *Tweed*; or to their Children, Apprentices, or Agents from ſelling ſuch Goods; nor to any Cooper, Glazier, Harneſs-Maker, Plumber, Tinker, or others mending Kettles, Tubs, Houſhold Goods,

Licence.

Goods, *&c.* going about and carrying with them proper Materials for mending the fame. *

This Duty was firſt deviſed by Shop-keepers, who complained that they, who paid Rent and all Pariſh-dues for their Houſes and Shops, were greatly injured in their Trades, and diſcouraged in their reſpective Buſineſs by Hawkers and Pedlars; and this Act had alſo in view, to prevent Vagrants and wandering Perſons under Colour of Hawking. And it increaſed ſo much, that it became one of the Funds for the payment of the *South-Sea* Debt in the Reign of King *George* I.

The Office for *Hawkers* and *Pedlars* is kept in *Holbourn-Court*, *Gray*'s-*Inn*, and managed by three *Commiſſioners*, a *Comptroller*, a *Caſhier*, nine *Riding-Surveyors*, a *Supernumerary-Riding-Surveyor*, with a Salary of 100*l.* *per Ann.* each; beſides other Officers with ſmaller Salaries.

Of the DUTIES *on* Hackney-Chairs *and* Coaches.

Duty on Hackney-Coaches and Chairs.

Muſt be numbered.

No *Hackney-Chair* or *Coach* can work within the Bills of Mortality, without a *Number* to be fixed upon the Door or Side of the fame; for which the Proprietor or Owner thereof is to have a Licence from certain Commiſſioners appointed by Act of Parliament, and to pay a certain Duty, at the Rate of five Shillings *per* Week, to the Crown, under the Penalty of five Pounds for driving any ſuch Vehicle without Licence and Number fixed as the Law directs. From which Duty there ariſeth a very conſiderable Revenue, though much inferior to the extraordinary Amount of the Wheel-carriage Duty paid into the Excife-Office for Coaches, Chariots, Chaiſes, *&c.* not included in the Hackney Coach Act; and extending to every Part of the Nation.

On private Carriages.

The Hackney-Coaches and Chairs are alſo reſtrained in their Demands upon Paſſengers by fixed Sums for carrying them to certain Diſtances and for Time employed. And Coachmen refuſing to carry for their Fare, as preſcribed by Authority, are liable to Penalties upon Complaint made to the Commiſſioners of this Office, or to a Magiſtrate.

* But this Act does not extend to Licence any Hawker, *&c.* to ſell any Wares, *&c.* in any City, Borough, Town corporate, or Market-Town, otherwiſe than might have been done before the making of this Act.

This

This Office is under the Direction of five Commissioners, who have a Salary of 100*l. per Ann.* each; under whom is a *Receiver*, a *Register*, and a *Surveyor*. These Commissioners not only take care of the Duty arising under this Branch of the Revenue, but they are to direct the goodness of the Coach and Horses, to appoint the several Fares and Rates, and Places of plying, and other By-laws respecting Chairs and Coaches; to summon Persons before them, to inflict Penalties, and to commit to the County Goal, in case of need. The Office is kept in *Great Queen-Street, Lincoln's-Inn-Fields*. Commissioners.

Of the LAND-TAX.

The TAXES hitherto mentioned, which are the several branches of the public Revenue, come under the name of *Customs*, or *Duties*, invariably fixed by Act of Parliament, perpetually or for a certain number of years, upon divers Goods, Commodities, or Things. But there is another most considerable branch called the *Land-Tax*, which, though it has not been discontinued from the first time of its being imposed upon the Nation, is of a fluctuating nature, and requires annually a new Act of Parliament to settle and levy it upon the People, and is, or ought to be, raised according to the Exigencies of the State, at the discretion of the Parliament, upon Land and Houses. Land-Tax.

It is very clear, from the Practice in ancient Times, as has been already observed, that our Kings would frequently raise money by virtue of their Prerogative; and a Tribute, as it was called, was raised annually with the consent of Parliament, and paid into the King's Exchequer, which Tribute was always certain, as entered in the Exchequer Book, and in general it was levied of every Town, and not particularly of every Estate or every Man, &c. There were also other ways of levying Taxes, by *Tenths* and *Fifteenths*, by Subsidies and Royal Aids, and at length by a Pound-rate, to prevent the great Impositions and collusive Means practised in the other methods of Taxation. The former of these methods were all upon the Person and personal Estate, but the last was upon Lands and Rents; and upon this was grafted the present Land-Tax, which, in late Reigns, has been annually granted at the Rate of one, two, three, or four Shillings in the Pound.

By whom laid and collected.

This Tax is laid on by Parliament, and levied by Commiſſioners in the ſeveral Counties, Cities, Towns, &c. according to a certain Quota, aſſeſſed originally upon each Diſtrict, by Act of Parliament; which Commiſſioners are nominated yearly in the Land-Tax Bill, out of the *landed Intereſt* in each place, who appoint Aſſeſſors, confirm Collectors, hear Appeals, redreſs thoſe that they find aggrieved by an over-rating of their Eſtates, audit the Accounts of the Collectors, and ſee that the Money be collected with diligence, and paid into the hands of the Receiver-General in each County, &c. and the Receiver-General pays it into the Exchequer, or otherwiſe diſpoſes of it, as directed by the Lords of the Treaſury, for the Service of the Public.

Nature and proportion.

The Land-Tax takes its peculiar Denomination from being laid upon, aſſeſſed, or charged to the Tenants or Occupiers of Houſes or Lands, but ultimately to be deducted out of the Rent, and to be paid by the *Landlords*. And if any Tenant or Occupier of a Houſe or Land, refuſes to pay what is aſſeſſed upon him or her, the Collectors in every Diviſion or Pariſh may, and ſhall, levy the ſame by Diſtreſs and Sale of his or her Goods; except over-rated and relieved upon an Appeal to the Commiſſioners.

England, as a ſeparate Kingdom, contains *thirty-nine* Shires or Counties, *twenty-five* Cities, beſides *twenty two* County-Towns, and *five hundred* and *four* Market-towns, many of which are as large, populous, well-built, and brilliant, as many Cities, and *thirty one Thouſand*, *four hundred* and *ſeventy-three* Villages; of which alſo great Numbers are very extenſive, and the Reſidence of the Gay, the Wealthy, and Induſtrious, and out-do many Market-Towns in their Buildings and Trade, as well as in Number and Quality of their Inhabitants, as ſhall be more particularly deſcribed in the following Volumes in an alphabetical Order.

END OF VOL. I.